

MEETING NO. 16
July 8, 2004

ERIE COUNTY LEGISLATURE

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MEETING NO. 16
July 8, 2004

The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. Ranzenhofer.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – MS. MARINELLI moved for reconsideration of Comm. 9E-65 from the previous meeting. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 297

Re: Division of Budget, Management
and Finance 2003 Year-End Budget
Balancing Amendments.

WHEREAS, the Division of Budget, Management and Finance, in cooperation with the Erie County Comptroller, and in consultation with departmental accountants, has identified accounts with projected budget deficiencies prior to year-end closing, and

WHEREAS, budget amendments are required to eliminate the aforementioned deficiencies in order to close the County's books and prepare financial statements for review by the County's independent auditors for the 2003 fiscal year, and

WHEREAS, these budget amendments will have no net fiscal impact as funds either are transferred from accounts with available balances to accounts with projected deficiencies or unanticipated revenues are appropriated, and

WHEREAS, final year-end transactions and accrual entries cannot be processed in the accounting system by the Comptroller for accounts with budget deficiencies until said deficiencies are eliminated through budget amendments.

NOW, THEREFORE, BE IT

RESOLVED, that the Division of Budget, Management and Finance is hereby authorized to amend the budgets of General Fund Departments, the Road Fund, the Utility Fund, the Debt Service Funds, and the Department of Social Services as specified in the following schedule, and be it further

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RESOLVED, that the following designations of fund balance listed on the following schedule are hereby established at December 31, 2003, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Director of Budget, Management and Finance and the Erie County Comptroller.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded. LEGISLATOR SWANICK in the negative.

CARRIED (14-1).

ADD the following **RESOLVE** Clauses as the new third (3rd), fourth (4th), and fifth (5th) **RESOLVES:**

RESOLVED, that effective immediately, and for all future years, no changes to the Erie County designated fund balance may be made without the prior formal legislative approval of the Erie County Legislature, and be it further

RESOLVED, that in future, no rollovers of designated fund balance to the following fiscal year may be made without prior formal legislative approval of the Erie County Legislature, and be it further

RESOLVED, that three (3) pages regarding 2003 designations of fund balance and review of X Vendors at 12/31/03 are hereby attached, and be it further

2003 Designations of Fund Balance

General Fund

ENCUMBRANCES	\$14,350,345	
GRANT PROGRAMS	8,087,779	
ECMC	10,353,673	
BUFFALO SCHOOLS	206,114	
COUNTY VEHICLE FLEET	66,591	
JUDGEMENTS & CLAIMS	3,000,000	
REGIONAL ASSET FUND	<u>2,700,000</u>	
TOTAL GENERAL FUND		<u>\$ 38,764,502</u>

REVIEW OF X VENDORS AT 12/31/03

	X1997	X1998
ECIDA Quick Cool Program	45,000.00	
NYSERDA	15,000.00	

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Inner Harbor Study	110,000.00
Bethlehem Steel	1,000,000.00
Adelphia Parking	1,183,689.00
HSBC Arena	2,000,000.00
Economic Development-Tourism Fund	1,915,683.00
Buffalo Board of Education-All High Stadium	1,000,000.00
Regionalism/Economic Development	218,486.74
Ellicott Creek Fire Co.	2,500.00
Philharmonic Orchestra	50,000.00
Tonawanda Water	200,000.00
Matt Urban Memorial Fund	17,000.00
Legislature-Contractual	451,764.00
Labor Relations-Dues & Fees	7,000.00
Buffalo Snow Removal	200,000.00
Regionalism/Economic Development	2,346,187.88
Hazardous Waste Days	12,500.45
W.S. Senior Citizens Center	25,000.00
Jeremiah Partnership	100,000.00
Workforce Investment	92,654.79
Williamsville Water System	10,000.00
Alexander Hamilton Playground	3,500.00
American Gold Star Mother	1,000.00
Amherst Chamber Ensemble	500.00
Boy Scouts of America Club Pack	500.00
Clarence Band Boosters	3,000.00
Dodge Elementary Fitness Center	6,330.00
Hutchinson Hose Co.	2,500.00
Martin Road Elementary	2,000.00
Mount Mercy Academy	2,500.00
North Haven Therapeutic Riding	500.00
Risk Retention-General Liability	3,000,000.00
Comptroller-Contractual	10,000.00
Health-Office Furniture	200,566.00
Senior Services-Motor Vehicle Equipment	10,000.00
Parks-Maintenance Supplies	2,400.00
Parks-Contractual	20,500.00
Executive-Home Land Security-Supplies	5,265.77
Executive-Home Land Security-Dues & Fees	14,560.00
Executive-Home Land Security-Out-of Area Travel	56,729.08
Executive-Home Land Security-Lab & Tech	1,029.00

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REVIEW OF X VENDORS AT 12/31/03 (CONT.)	X1997	X1998
TOWN PARK HOMEOWNERS	1,500.00	
VARIETY CLUB WEST SENECA	3,000.00	

Grant Local Share Funding

District Attorney Grants		574,496.93
E & P Grants		76,850.00
Senior Service Grants		446,859.56
CPS Grants		83,278.00
DSS Grants		6,906,295.00
TOTALS	14,350,345.71	8,087,779.49

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 14 & 15 of 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. WEINSTEIN presented a resolution Recognizing Brian Rusk for Being Honored by the Polish Arts Club of Buffalo. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. RANZENHOFER presented a resolution Recognizing Edwin W. Sutton for Receiving a Grant from New York State Barns Restoration & Preservation Program. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. WEINSTEIN presented a resolution Honoring Williamsville South Girls Softball Team Upon Winning the 2004 Class A NYS Championship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. DUSZA presented a resolution Honoring Boy Scout Benjamin E. Duck from Troop 56 Upon Earning the Rank of Eagle Scout. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. DUSZA presented a resolution Honoring Principal Sister Rosa Mystica Upon Her Retirement from Saint Barnabas Catholic School. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – LEGISLATORS MARINELLI & DEBENEDETTI presented a resolution Honoring Carmela Trippi on Her 95th Birthday. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

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Item 11 – MS. MARINELLI presented a resolution Congratulating Former Legislator Judith P. Fisher Upon Receiving the Buffalo Olmsted Park Conservancy Frederick Law Olmsted Award. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. HOLT presented a resolution Honoring Mr. William “Bill” Lawson for his community services. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above eight resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 13 – CHAIRMAN HOLT directed that Local Law No. 1 (Print #2) 2003 remain on the table.

GRANTED.

Item 14 – CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 15 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

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Item 16 – CHAIRMAN HOLT directed that Local Law No. 8 (Print #1) 2004 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 9 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 18 – MR. SCHROEDER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 298

July 1, 2004

ECONOMIC DEVELOPMENT
 COMMITTEE
 REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR SMITH. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a.

	Item	Page	-2003	(Intro. 16-13)
	HOLT, DALE, DUSZA, DEBENEDETTI, FISHER & MARINELLI: Creation of an Ad Hoc EC Legislature Committee to Inquire into Allegations of Wrongdoing & the Misapplication of County Funds & Property.			
	(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.			
 - b.

	Item	Page	-2004	(Intro. 9-2)
	WEINSTEIN, MINORITY CAUCUS: Support for NY's Power for Jobs Program.			
	(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.			
 - c.

	Item	Page	-2004	(Comm. 11M-2)
	NFTA: Proposed Rule Making.			
	(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.			
 - d.

	Item	Page	-2004	(Intro. 11-15)
	SMITH: Erie County Funded Improvements at the Union Ship Canal.			

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(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

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|----|---------------|--|-------|----------------|
| | Item | Page | -2004 | (Comm. 13E-11) |
| e. | CHASE: | Copy of Letter to Legislator Schroeder Re: "Come-to-America" Initiative. | | |
| | | (5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member. | | |

- | | | | | |
|----|--------------|--|-------|---------------|
| | Item | Page | -2004 | (Comm. 15M-9) |
| f. | NFTA: | Fiscal Year Ended 2004 Annual 17A Report. | | |
| | | (5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member. | | |

- | | | | | |
|----|------------------|------|-------|-------------------|
| | | | | AS AMENDED |
| 2. | Item | Page | -2004 | (Intro. 11-14) |
| | MARINELLI | | | |

WHEREAS, in 1998, the Workforce Investment Act (WIA) was signed into law, establishing job training, adult education, and amending the Vocational Rehabilitation Act, and maintaining funding for adults, dislocated workers and youth, and

WHEREAS, for adults, the WIA establishes eligibility as all adults aged 18 or older, and with priority for intensive and training services given to recipients of public assistance and other low-income individuals; provides services for dislocated workers, including displaced homemakers; and extends services for youth for those between the ages of 14-21, low income, and who face barriers to employment, including school drop-outs, and

WHEREAS, the WIA "establishes the one-stop delivery system as the access point for employment-related and training services," with core services available at one physical site which may be supplemented by multiple additional sites and technological networks, and

WHEREAS, the WIA provides postsecondary educational opportunities or unsubsidized employment, strong linkages between academic and occupational learning and effective connections to intermediaries with strong links to the job market and employers, and

WHEREAS, the youth programs include "tutoring, study skills training and instruction leading to completion of secondary school, including dropout prevention, alternative school services, adult mentoring, paid and unpaid work experiences, including internships and job shadowing, occupational skills training, leadership development opportunities, supportive services, follow-up services for not less than 12 months as appropriate, and comprehensive guidance and counseling," and

WHEREAS, funds for adult programs are available on a universal basis with no eligibility requirement, and funds for "dislocated workers are used exclusively for services to dislocated workers, with intensive services (e.g. counseling and prevocational services) available for unemployed individuals who have been unable to obtain jobs through core services and those who are employed but need additional services to reach self-sufficiency," and

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WHEREAS, the law established the Workforce Investment Board of Buffalo and Erie County which administers these programs in Erie County, and

WHEREAS, the WIB is a private sector driven board appointed by the Erie County Executive and the Buffalo Mayor “charged with developing, coordinating and overseeing publicly funded workforce development/training initiatives,” and

WHEREAS, the WIB is “committed to creating and promoting a workforce development system that is user friendly and responsive to the needs of both the individual training/job applicant, and/or the business organization seeking assistance... (and the) goal is to develop and sustain a unified, cost effective, labor market driven system that facilitates economic development and business growth in our community,” and

WHEREAS, the WIB has served this community well for more than five years, providing necessary adult, youth, and dislocated worker services, training and education to thousands of local needy residents, and

WHEREAS, 8,200 job-seekers received assistance in the WIB’s one-stop centers in Erie County in the past year, and

WHEREAS, over 100 businesses in Erie County have received job training assistance in last year, and

WHEREAS, over 8,000 incumbent workers and newly employed workers have received on the job training through WIB in the past year, and

WHEREAS, during summer 2003, over 1,900 local young people were employed in the WIA Summer Youth program, and

WHEREAS, the WIA is facing reauthorization in 2004,

WHEREAS, the proposed 2005 federal budget for WIA cuts job training and vocational education funding by 10% or \$656 million from the 2002 funding levels, with 50% of that cut coming from the WIA, and

WHEREAS, the proposed 2005 federal budget for WIA cuts funding for the Wagner-Peyser/Employment Service for unemployed individuals by 12% from the 2004 appropriated level and which represents a 30% cut from 2002 funding levels, and

WHEREAS, federal funding for dislocated worker training has been cut by 15% since 2000, despite a recession, mass layoffs across the county, and the growing need for the retraining of dislocated workers, especially in Buffalo-Niagara,

NOW, THEREFORE, BE IT

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RESOLVED, that the Erie County Legislature expresses its support for the reauthorization of the WIA which provides much-needed services to local adults, young people, and dislocated workers, and be it further

RESOLVED, that this Honorable Body calls on President George W. Bush, the United States Senate, and the United States House of Representatives, in their 2005 budget discussions and appropriations, to fund WIA at levels higher than 2004, and to reject any budget proposals that reduce funding for the WIA and its related programs, and be it further

RESOLVED, that the Erie County Legislature respectfully calls on the New York State Legislature and Governor to expeditiously pass a Fiscal Year 2004-2005 State Budget with a significant increase in summer youth employment funding to, at a minimum, restore such funding to the prior year's level, to assist young people and youth to have summer employment, and be it further

RESOLVED, that certified copies of this resolution be submitted to the President of the United States, to Senators Charles Schumer and Hillary Rodham Clinton, to Representatives Louise Slaughter, Jack Quinn, and Thomas Reynolds, to the Board of Directors and Executive Director of the WIB of Buffalo and Erie County (275 Oak Street, Suite 145, Buffalo, NY 14203), to the Governor, Assembly Speaker, Senate Majority Leader, and the local delegation of the New York State Legislature.

Fiscal Impact: Positive for Erie County Workers and Businesses.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

3. Item Page -2004 (Comm. 15E-33)

COUNTY EXECUTIVE

WHEREAS, The County of Erie, desires to transfer a parcel of County-owned rail property to the Village of North Collins; and

WHEREAS, The Erie County-owned Rail Line 1246 currently extends through the Village of North Collins; and

WHEREAS, The width of the right-of-way increases to approximately one hundred thirty feet in the Village, encompassing Railroad Avenue, and is more than is needed for normal railroad operations; and

WHEREAS, The Village of North Collins wishes to take title to the portion of the right-of-way that contains Railroad Avenue; and

WHEREAS, The exact dimensions of the parcel will be delineated in a survey to be performed by the Erie County Industrial Development Agency and approved by Erie County,

NOW, THEREFORE, BE IT

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RESOLVED, That the County Executive is authorized to enter in agreements with the Village of North Collins transferring this portion of the right-of-way to the Village at a cost of one dollar; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with the Erie County Industrial Development Agency to remove this parcel from existing lease agreements; and be it further

RESOLVED, That the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 15E-44)

COUNTY EXECUTIVE

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA), through an agreement with the U. S. Department of Energy Rebuild America Program, has been charged with organizing community-based regional partnerships to promote energy-efficient products and services throughout New York State; and

WHEREAS, NYSERDA has identified Western New York as an initial pilot region for Rebuild and has solicited proposals from organizations to locally coordinate the Rebuild Western New York regional network; and

WHEREAS, since April of 2000, the Department of Environment and Planning (DEP) has accepted this role and successfully coordinated the Rebuild Partnership in Western New York; and

WHEREAS, to date, Erie County has accepted a total of \$230,000 in grant resources from NYSERDA to continue to coordinate the Rebuild Partnership; and

WHEREAS, as a result of the Rebuild Partnership's success, NYSERDA has made an additional \$75,000 in grant resources available to fund this Program through April of 2005.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to accept grant funding in the amount of \$75,000 from NYSERDA to continue to coordinate the Rebuild Western New York Partnership, and be it further

RESOLVED, that a grant budget for the Rebuild Western New York Initiative is hereby established as follows:

REVENUE:

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<u>Account</u>	<u>Description</u>	<u>A</u> <u>mount</u>
405060	State Aid - NYSERDA	\$75,000
Total		\$75,000

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>A</u> <u>mount</u>
500000	Salaries	\$51,200
502000	Fringe Benefits	16,800
510000	Local Mileage Reimbursement	300
510100	Out-of-Area Travel	2,700
530000	Other Expenses	2,000
516020	Professional Service Contract & Fees	1,000
561410	Lab & Technical Equipment	<u>1,000</u>
Total		\$75,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; the Commissioner of Personnel; and the County Attorney.
(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 15E-47)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Public Works, Division of Highways, purchased a new pavement striping truck for nearly \$250,000 before last year's season, and

WHEREAS, the Town of Grand Island has expressed a desire to have Erie County Department of Public Works use that vehicle to stripe Town-owned roadways,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes entering into a contract with the Town of Grand Island to perform pavement-striping services by Erie County on their behalf, and be it further,

RESOLVED, that funds in the amount of \$7,000 received from work performed on behalf of the Town of Grand Island will be credited to the various accounts in the Highway Road Fund O&M Budget from which the work was performed with the approval of the Office of Budget and Finance Management, and be it further,

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RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two copies to the Department of Public Works, Division of Highways; one copy to the Office of the County Executive; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 15E-48)

COUNTY EXECUTIVE

WHEREAS, funds were authorized and a contract was awarded by the Department of Public Works for the Roofing & Exterior Rehabilitation work at the Erie County Home for \$784,370.00, and

WHEREAS, during the course of work, it was discovered that unforeseen conditions and additional work is required to make the columns and archways safe and further deterioration of the roof at the Maintenance Center would require an additional \$95,000.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the construction contingency fund be increased from \$80,000.00 to \$175,000.00, with authorization for the Commissioner of Public Works to approve change orders, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the following account, Roof Replacement & Waterproofing, Project A.00070, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; one copy to the Office of the Comptroller; and one copy to the Office of the County Executive.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 15E-49)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature approved a contract for the 2003 Contractor Placed Pavement – South Contractor, Project No. CPP-S-03, at various locations in the Towns of Collins, Sardinia, Holland, Concord, Evans, Aurora, and Boston, between DiPizio Construction, Incorporated and the County of Erie, in Meeting Number 15, held on September 11, 2003, Communication Number 15E-21, and

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WHEREAS, additional work needs to be performed on the project, that was not initially anticipated, and

WHEREAS, the cost for the additional work exceeds the contingency amount previously authorized for this project.

NOW, THEREFORE, BE IT

RESOLVED, that the construction contract with DiPizio Construction, Incorporated be increased by \$565,416.02, to be allocated from the following Capital Road Work Accounts:

B.09003	2002 Contractor Placed Pavement	\$ 447,084.00
B.00060	2003 Capital Overlay Program	\$ 118,332.02

for a change order for the additional work, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, and one copy each to the County Executive, the Commissioner of Public Works, and to the County Comptroller.
 (5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED

8. Item Page -2004 (Intro. 15-13)

KUWIK, SCHROEDER, HOLT, MARSHALL & SWANICK

WHEREAS, founded in 1919, Our Lady of Victory Hospital became a cornerstone in Lackawanna, New York, filling a community need and serving the mission of Father Nelson Baker to help people of all ages, backgrounds and abilities, and

WHEREAS, Catholic Health Systems has proposed redevelopment of the former hospital into the OLV Renaissance/Senior Neighborhood which would consist of 74 units of low and moderate income senior housing, a 74-bed skilled nursing facility and a Program of All-inclusive Care for the Elderly (PACE), and

WHEREAS, the redevelopment proposal has received widespread support including \$300,000 in Erie County funding approved by this Honorable Body on May 27, 2004 and \$702,500 in federal appropriations, and

WHEREAS, an independent review also confirmed both the financial feasibility and the operational success of the three component parts of the project, and

WHEREAS, there is currently a shortage of senior housing in this service area creating affordable senior housing waiting lists between three and four years, and

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WHEREAS, the PACE program promises not only to be an excellent alternative to those in need of nursing home care but want to stay in their homes, but it has the potential to save New York State over \$1 million in Medicaid funds as an alternative to expensive residential care, and

WHEREAS, the project would have a positive economic impact on the region including the creation of 145 new jobs, the retention of 100 existing positions and the need for hundreds of construction related jobs, and

WHEREAS, in the State of the State address New York State Governor George E. Pataki lists “comprehensive reforms of our long-term care system” and “the provision of services that help the elderly stay in their own homes...and the promotion of...state of the art nursing homes,” among his priorities, and

WHEREAS, Catholic Health Systems’ first application for funding through New York State’s Division of Housing & Community Renewal was rejected and a second application is currently before the Governor for his review, and

WHEREAS, this project can not move forward without the allocation of low income housing tax credit funds from New York State,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature recognizes the importance of the OLV Renaissance Senior Neighborhood Project in filling a critical community need for affordable, quality senior housing and serving as a catalyst for economic development in the City of Lackawanna and the entire Western New York Region, and be it further

RESOLVED, that this Honorable Body supports the proposed OLV Senior housing project and urges Governor Pataki to approve Catholic Health Systems’ application for Low Income Housing Tax Credits, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, the NYS Division of Housing & Community Renewal (Commissioner Judy Calogero, Hampton Plaza, 38-40 State Street, Albany, NY 12207), Catholic Health Systems and City of Lackawanna Mayor Norman L. Polanski, Jr.

Fiscal Impact: None for resolution.

(5-0) Legislator Smith absent. Chairman Holt present as Ex-Officio Member.

MARK J. F. SCHROEDER
CHAIRMAN

MR. SCHROEDER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

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Item 19 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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GOVERNMENT AFFAIRS
 COMMITTEE
 REPORT NO. 9

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR DEBENEDETTI. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, that the following items are hereby received and filed.
 - a. Item Page -2004 (Comm. 7M-9)
ERIE COUNTY ASSOCIATION OF TAX RECEIVERS: Letter Re: Centralized Regional Tax Collection System.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - b. Item Page -2004 (Comm. 8M-14)
TOWN OF LANCASTER: Copy of Letter to Legislator Marinelli Re: Govern Tax Collection System.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - c. Item Page -2004 (Comm. 9D-11)
COUNTY ATTORNEY: Response to Request for Info Re: Individuals & Firms Who Lobby on Behalf of Erie County.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - d. Item Page -2004 (Comm. 10D-1)
DISS – FLEET SERVICES: 1st Quarter Review.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - e. Item Page -2004 (Comm. 13D-13)
SOCIAL SERVICES: Response to Questions Re: Intermunicipal Agreement Between Erie County & City of Buffalo for Buffalo Park Maintenance & Operation.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
 - f. Item Page -2004 (Comm. 13D-16)
PARKS: Intermunicipal Cooperation Agreement for Operation, Management & Improvement of City of Buffalo Parklands.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

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- g. Item Page -2004 (Comm. 13D-17)
DEP: Fact Sheet – City – County Intermunicipal Cooperation Agreement for Operation, Management & Improvement of City Parks.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
- h. Item Page -2004 (Comm. 13E-44)
SMITH: Letter to Commissioner Helfer Re: Proposed Intermunicipal Agreement for Buffalo Parks Maintenance & Operation.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
- i. Item Page -2004 (Comm. 13M-12)
VARIOUS COUNTY RESIDENTS: Written Testimony Re: Proposed Intermunicipal Agreement for EC to Assume Operation & Maintenance of Buffalo Parks.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
- j. Item Page -2004 (Comm. 13M-13)
OLMSTED PARKS CONSERVANCY: Letter to Legislator Marinelli Re: Governance.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
- k. Item Page -2004 (Intro. 13-14)
MARINELLI: Inter-Municipal Cooperation Agreement for the Management & Operation of City of Buffalo’s Parks System & Agreement with Olmsted Conservancy.
 (5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.
2. Item Page -2003 (Comm. 25E-16)
COUNTY EXECUTIVE
 WHEREAS, the Division of Information and Support Services proposes to create a Centralized Tax Collection System using Govern software, and

WHEREAS, the Division of Information and Support Services will seek the participation of all county municipalities to use a Centralized Regional Tax Collection System, and

WHEREAS, the Division of Information and Support Services will support and maintain this Centralized Tax Collection System from the Rath Building Data Center, and

WHEREAS, the Division of Information and Support Services will provide this application via Citrix thin client technology, and

WHEREAS, the Division of Information and Support Services is requesting authorization to purchase the hardware, software and services necessary to implement a Centralized Tax Collection System. This includes servers, server licenses, Citrix licenses, network equipment and consulting services,

NOW, THEREFORE, BE IT

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RESOLVED, that the Division of Information and Support Services is authorized to provide a Centralized Regional Tax Collection System from the Rath Building Data Center, and be it further

RESOLVED, that funds in the amount of \$218,000 are hereby transferred from the Regionalism/Economic Development Fund DAC 110 9043038301299 to DAC 110 927510830, Contractual, in the amount of \$108,750 in the budget of The Division of Information and Support Services and \$109,250 to DAC 110 927510933 Laboratory and Technical Equipment in the same administrative unit, for the acquisition of equipment, services and related expenses necessary to build and manage a Centralized Tax Collection System and be it further

RESOLVED, that the Division of Information and Support Services is requesting authorization to purchase the hardware, software and services necessary to operate a Centralized Tax Collection System. This includes servers, server licenses, Citrix Licenses, network equipment and consulting services, and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Environment and Planning and the Division of Information and Support Services.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED

3. Item Page -2004 (Intro. 9-3)
SWANICK, WROBLEWSKI, KUWIK, MARINELLI, CHASE, & McCARVILLE

WHEREAS, New York State residents depend on companies like Verizon to provide a reliable, well-maintained telecommunication system, so as to assure public safety and facilitate the necessary dispatch of information, and

WHEREAS, the future economic competitiveness; and development of our region depends more than ever on the deployment of the most advanced, high- speed communications networks such as broadband internet access, "Fiber-to- the-Home" and wireless data networks, and

WHEREAS, instead of advancements in the telecommunications infrastructure, many areas in New York State are suffering from declines in the quality of telephone service due to drastic cutbacks by Verizon in construction and maintenance of the telephone network, and

WHEREAS, now Verizon has announced its intentions to sell 2.6 million access lines from California to New York and abandon the telephone business in most of New York State, and

WHEREAS, the current telecommunication regulations that require Verizon and all other incumbent telephone providers to lease access to networks at cut-rate prices undermines the incentive for investment in infrastructure and the roll-out of new technologies and is a contributing factor in Verizon contemplating this sale, and

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WHEREAS, published reports indicate that the only buyers interested in purchasing Verizon's Western and Upstate New York networks are private equity firms, with more interest in generating cash flow than providing quality telecommunication services, and

WHEREAS, the private equity firms interested in purchasing Verizon access lines will likely seek to cut maintenance, investment and workforce costs in order to generate the maximum possible cash flow, and

WHEREAS, it is within the statutory power of the Public Service Commission to block the sale of Verizon if it is not in the public's best interest,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to assuring quality telecommunication services for all citizens, and be it further

RESOLVED, this Honorable Body calls upon the Public Service Commission to use its statutory power to undertake and perform its due diligence in investigating the possible sale of Verizon access lines and by blocking the sale of Verizon's telephone networks if it is not in the best interest of consumers and business in New York State, and be it further

RESOLVED, that this Honorable Body asks the Public Service Commission to reevaluate the current regulatory structure for telecommunications in New York State with an emphasis on providing incentives for the maintenance and enhancement of our telecommunication infrastructure, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York Delegation to the New York State Legislature and Public Service Commission President

Fiscal Impact: NONE

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Intro. 11-2)

MINORITY CAUCUS

WHEREAS, there is currently an act to before the New York State Senate and Assembly (S. 6220/A. 3483) to amend the civil practice law and rules, in relation to equalizing the treatment of collateral sources in tort actions, and

WHEREAS, this bill would apply the same standard used in cases against private employers to cases against public employers, and

WHEREAS, the bill would also allow collateral sources to offset damage awards for future costs or expenses in actions against public employers in order to prevent double recoveries, and

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WHEREAS, the necessity of this bill arose from an anomaly created by the Court of Appeals' decision in Iazzetti V. City of New York , 94 N.Y.2d 183 (1999), which denied a public employer (and no other defendant) the benefit of any collateral source offset, including accident disability pension benefits subsidized by the employer, against future economic damages awarded to employees in tort actions brought against a public employer, and

WHEREAS, the court decision is incongruous with the application of laws for private employers, where plaintiffs who are employed by private companies are not lawfully able to double compensation for the same economic loss, and

WHEREAS, the bill currently before the New York State Assembly and Senate (S. 6220/A. 3483) will prevent double recoveries and equalize the treatment of collateral sources in tort actions against public defendants by applying the same standard used in cases against private defendants,

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body asks the New York State Legislature to approve and the Governor to sign into law Senate Bill 6220 and Assembly Bill 3483, which will protect public employers from double recoveries and allow collateral sources to offset damage awards for future costs or expenses in tort actions brought against a public employer, and be it further

RESOLVED, that certified copies of this resolution be forwarded to New York State Governor George E. Pataki, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, the Western New York delegation of the New York State Legislature and County Attorney Frederick A. Wolf.

Fiscal Impact: Positive

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 15E-31)

COUNTY EXECUTIVE

WHEREAS, County records from various departments, including the County Clerk, are stored in a variety of locations, including downtown office buildings, the County Records Center on the grounds of Erie County Medical Center; and

WHEREAS, these locations are running out of functional space to store and retrieve records; and

WHEREAS, the operation of a central and regional records management system providing storage and retrievals services with respect to all records is in the best interest of the citizens of Erie County; and

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WHEREAS, there is interest on behalf of willing partners to further explore the opportunities to participate in such a regional records facility; and

WHEREAS, on November 13, 2003, the Erie County Legislature approved Comm. 18E-31, appropriating \$100,000 from the 2003 Regionalism/Economic Development Fund for a feasibility study of a Regional Records Center; and

WHEREAS, on May 23, 2004, the Erie County Legislature approved Comm. 10E-17, which authorized a further appropriation of \$12,000 from the 2003 Regionalism/ Economic Development Fund and authorized the selection of a consultant for a feasibility study of a Regional Records Center,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contracts, in amounts not to exceed \$112,000, from available balances in the Regionalism/Economic Development Fund to initiate the work needed to analyze the feasibility of creating a Regional Records Center; and be it further

RESOLVED, that the source of funds for this study shall be \$112,000 from the Regionalism/Economic Development Fund which was re-appropriated in Cost Center 1335010, G/L 516000 and shall be transferred to G/L 516020, Professional Service Contracts, in the same Cost Center, to be further designated as follows:

Regional Records Center	\$112,000
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and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Comptroller.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 15E-51)

COUNTY EXECUTIVE

WHEREAS, with the attention of the nation switching to Homeland Security since the incident of 9/11/01, the County has been evaluating its facilities and positions, and

WHEREAS, one weakness found is in the position of Watch Attendants that are located in almost all County buildings, and

WHEREAS, to expand the duties of that position and give those employees a more significant presence in the building, upgrading the position one grade to a Building Guard is required, and

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WHEREAS, the Department of Public Works desires to add five (5) Building Guard positions for this purpose staged throughout the year as the necessary equipment is added to the buildings,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the addition of five (5) Building Guards (Job Grade 4) positions, and be it further,

RESOLVED, that the funding for these new positions will come from savings generated from not filling five existing Watch Attendant positions, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the County Executive, the Commissioner of Personnel, the Director of Budget, Management and Finance, and to the Office of the Comptroller.

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

AS AMENDED

7. Item Page -2004 (Comm. 15E-55)

COUNTY EXECUTIVE

WHEREAS, since 1981 when Erie County assumed ownership from the City of Buffalo of the 11.4- acre South Park Conservatory site, located in historic Frederick Law Olmsted designed South Park, and renamed it the Buffalo and Erie County Botanical Gardens, Erie County has invested millions of dollars in the historic rehabilitation of this unique structure and has provided staff funds for the horticultural staff and building systems personnel; and

WHEREAS, this extraordinary County investment has been greatly enhanced by the efforts of the Buffalo and Erie County Botanical Gardens Society (Society) that has been the sole provider of public programs and services at this cultural facility, and in the last few years, the Society has increasingly demonstrated to Erie County that it has the capability to manage the Botanical Gardens including managerial responsibility for the horticultural collection, and it is expected that by transferring these management responsibilities based on fair County compensation to the Society, that public programs and services, as well as the horticultural visitor experience will be significantly enhanced; and

WHEREAS, there are several successful local, state and national publicly-owned/not-for-profit managed organizational precedents for transitioning the management of this County-owned cultural resource from Erie County to the not-for-profit Buffalo and Erie County Botanical Gardens Society, and such examples include the Buffalo Zoological Society's management of the Buffalo Zoo, as well as not-for-profit management of the Brooklyn Botanic Gardens, the New York Botanical Gardens, and the Phipps Conservatory in Pittsburgh, Pennsylvania; and

WHEREAS, this asset and management transfer to the Botanical Gardens Society, as specified in the "Erie County – Buffalo and Erie County Botanical Gardens Society Asset Transfer and Management Agreement", is intended to enable the Botanical Gardens to become a major

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cultural tourism destination, and it is believed that the potential of Erie County's significant capital and management investment in the Botanical Gardens to date will be maximized as a result of this asset and management transfer,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby granted the authority to execute an "Erie County – Buffalo and Erie County Botanical Gardens Society Asset Transfer and Management Agreement", subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the Erie County Legislature hereby finds that there is a necessity that the special services and skills that the Buffalo and Erie County Botanical Gardens Society will provide under the terms of this agreement must be provided immediately and hereby waives any requirement for procuring proposals for the provision of such services pursuant to Erie County Administrative Code section 19.08; and be it further

RESOLVED, that 2004 County funds, in the amount of \$150,000, as stipulated in this agreement, shall be provided to the Buffalo and Erie County Botanical Gardens Society for the operation of the Botanical Gardens for the remainder of Erie County's 2004 fiscal year; and be it further

RESOLVED, that the source of funds, in the amount of \$150,000 for this agreement, were re-appropriated in the Regionalism/Economic Development Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1335010, Extraordinary Aid, to be further designated as follows:

Buffalo and Erie County Botanical Gardens Society, Inc.	
Asset Transfer and Management Agreement	\$150,000

and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive; the County Comptroller; Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Parks, Recreation and Forestry; the Commissioner of the Department of Public Works; the Commissioner of the Department of Environment and Planning; and to Carole Kociela, Executive Director, Buffalo and Erie County Botanical Gardens Society, 2655 South Park Avenue, Buffalo, New York 14218.

ASSET TRANSFER AND MANAGEMENT AGREEMENT

This Asset Transfer and Management Agreement ("Agreement") dated as of the _____ day of _____, 2004, by and among the **Buffalo and Erie County Botanical Gardens Society, Inc.**, a New York not-for-profit corporation with an address at 2451 South Park Avenue, Buffalo, New York 14218 ("Society") and the **County of Erie**, a municipality with an address at 95 Franklin Street, Buffalo, New York 14202 ("County").

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W I T N E S S E T H:

WHEREAS, the Society and the County (collectively, "Parties") wish to collaborate in the implementation of a plan for the ownership, governance, maintenance and operation of the Buffalo and Erie County Botanical Gardens located at 2451 South Park Avenue, Buffalo, New York 14218 (SBL# 142.05-1-1.2) and the horticultural collection located there (collectively, "Gardens"); and

WHEREAS, the Society authored a proposal for such plan entitled, "*Proposed Plan, A Public-Private Partnership for the Ownership and Operation of the Buffalo and Erie County Botanical Gardens, March 2003*" ("Proposed Plan") which is attached hereto and incorporated herein by reference; and

WHEREAS, the Parties wish that the Society attract non-governmental funding, manage the horticultural collection and fulfill the requirements of accrediting organizations; and

WHEREAS, in order to further implement the Proposed Plan, the County wishes to contract with the Society to manage the 11.4+ acres of real estate, including all improvements constructed thereon, located at 2655 South Park Avenue ("Premises") for the sole purposes of operating the Gardens for the education and recreation of the residents of and visitors to Erie County and the conservation of plant species; and

WHEREAS, the Parties wish that the Society manage and operate the Gardens and own the horticultural collection and the Personalty (as hereinafter defined), for a period of twenty-five (25) years or until such earlier termination of the Agreement.

NOW THEREFORE, in consideration of the premises and mutual representations, warranties and covenants contained herein, the parties agree as follows:

A. REPRESENTATIONS AND WARRANTIES

1. County's Representations. The County represents and warrants to the Society as follows:

- (a) Authority to Operate Gardens. The County has full power and authority to own, operate and contract for management of its assets, including, without limitation, the Gardens as presently owned, operated and managed and to carry on its business as now and heretofore conducted;
- (b) Authority Relative to Agreement. The execution, delivery and performance of this Agreement by the County has been duly and effectively authorized by all necessary action, and this Agreement constitutes a legal, valid and binding obligation of the County enforceable against it in accordance with its terms;

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- (c) Title to Subject Assets. The County has good and marketable title to all of the Subject Assets (as hereinafter defined), subject to no mortgage, pledge, lien, judgment, conditional sale agreement, security interest, encumbrance or other charge.

The County has not granted a license or other right to any third party to use any of the Subject Assets; and

- (d) Effect of Agreement. The execution, delivery and performance of this Agreement by the County and the consummation by it of the transactions contemplated hereby (i) does not require any filing with, or the consent, waiver, approval, license or authorization of, any person, government agency or public or regulatory authority, other than the required approval of this Agreement by the Erie County legislature; (ii) does not violate, with or without the giving of notice or the passage of time, any provision of law applicable to the County; (iii) does not conflict with or result in a breach of any contract, license, or other agreement or instrument, or any order, judgment, decree, statute, regulation or any other restriction of any kind or character, to which the County is a party or by which the County or any of the Subject Assets may be bound; and (iv) does not result in the creation of any liability, lien, encumbrance, claim or other restriction upon any of the Subject Assets.

2. Society's Representations. The Society represents and warrants to the County as follows:

- (a) Corporate. The Society is a not-for-profit corporation duly organized, validly existing and in good standing under the laws of New York and has full power and authority to own and operate its assets as presently owned and operated and to carry on its business as now and heretofore conducted;
- (b) Authority Relative to Agreement. The execution, delivery and performance of this Agreement by the Society, has been duly and effectively authorized by all necessary corporate action, and this Agreement constitutes a legal, valid and binding obligation of the Society enforceable against it in accordance with its respective terms; and
- (c) Effect of Agreement. The execution, delivery and performance of this Agreement by the Society and the consummation by it of the transactions contemplated hereby (i) does not require the consent, waiver, approval, license or authorization of any person or public authority; (ii) does not violate, with or without the giving of notice or the passage of time, any provision of law applicable to the Society; (iii) does not conflict with or result in a breach of the Society's Certificate of Incorporation or Bylaws or any mortgage, deed of trust, license, indenture or other agreement, or any order, judgment, decree, statute, regulation or any other restriction of any kind or character, to which the Society is a party; and (iv) does not result in the creation of any lien, charge or encumbrance upon any of the property or assets of the Society.

B. TRANSFER OF ASSETS

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Transfer of Assets. The County hereby transfers, conveys and assigns to the Society, to be held for the benefit of the residents of the County of Erie pursuant solely to the terms and conditions of this Agreement, good and marketable title, free and clear of all liens, liabilities, security interests, encumbrances, licenses, claims and other restrictions, in and to the following:

- (a) the horticultural collection located at the Premises, including, without limitation, all plantings and lawns, whether located within or without buildings on the Premises (collectively, the “Collection”); and
- (b) all equipment, supplies and other personal property presently located on the Premises as more fully described on Schedule A attached hereto (“Personalty”).

The foregoing assets are sometimes referred to in this Agreement as the “Subject Assets.” The County is conveying the Subject Assets to the Society in consideration of the Society’s performance pursuant to the terms of this Agreement. Other than the obligations of the Society set forth in this Agreement, there shall be no additional consideration of any kind due to the County from the Society for the Subject Assets.

C. GOVERNANCE: CERTAIN COVENANTS OF THE SOCIETY

1. Society Corporate Status. The Society shall at all times during the term of this Agreement maintain its status in good standing as a not-for-profit corporation organized in the State of New York which is tax exempt in accordance with Section 501(c)(3) of the Internal Revenue Code.
2. Society Board Composition. At all times during the term of this Agreement, the Erie County Executive, the County Parks Commissioner, and the Chairman of the Erie County Legislature shall be ex-officio, voting members of the Board of Directors of the Society. The Erie County Executive and the Erie County Legislature Chairman may no more frequently than annually designate an individual representative to act in his/her respective stead, provided that upon the resignation, termination, death or inability of the representative to serve on the Board of Directors of the Society, the appointing official may designate a replacement representative at any time.
3. Historic Status of Premises. During the term of this Agreement, the Society shall comply with all obligations applicable to the Premises relating to its status as an “Historic Site” listed on the National Register of Historic Places and the New York State Register of Historic Places.
4. Olmsted Park Historic Site Status. During the term of this Agreement, the Society shall cooperate with the County, the City of Buffalo, the City of Lackawanna, the New York State Office of Parks, Recreation and Historic Preservation and the Olmsted Conservancy with respect to the making of capital improvements to the Premises and the operations of the Gardens in order to preserve and enhance its status as an “Historic Site” within an Olmsted Park.

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5. Society Board Member Selection. The Society shall be governed by a Board of Directors selected without regard to race, creed, religion, gender, disability or national origin, but who shall also reflect the diverse backgrounds and talents required to operate botanical gardens.

D. MANAGEMET OF THE PREMISES

1. Premises. The County hereby engages the Society to manage the Premises for the purpose of operating the Gardens in accordance with this Agreement.

2. Term. The term of this Agreement shall be for twenty-five (25) years and shall begin as of 12:01 a.m. on August 16, 2004 and shall end at midnight on August 15, 2029 unless sooner terminated as herein provided in Section F of this Agreement.

3. Taxes. The County represents and warrants that the Premises are currently exempt from all real property taxes and ad valorem assessments. In the event that the Society changes the use of the Premises or makes any improvements to the Premises that would not be eligible for this exemption, the Society shall pay all real property taxes and assessments relating to the Premises resulting from the actions of the Society. The Society shall pay all taxes assessed against or payable with respect to the Personalty during the term hereof.

4. Use. The Society shall use and occupy the Premises solely in order to operate the Gardens as described herein.

5. Compliance with Laws. The Society shall fully comply with all federal, state and local laws, statutes, orders and regulations, including, without limitation, all environmental laws, all health and safety laws, the Social Security Act, and all regulations promulgated by the U.S. Department of Health & Human Services, the New York State Department of Health, the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation which are applicable to the Premises.

6. Assignment and Subletting. The Society shall not assign this Agreement, or subcontract any substantial part of its duties and obligations to manage the Premises or operate the Gardens, without the County's prior written consent.

7. Default by the Society. Any of the following events shall constitute a breach of, and a default under this Agreement by the Society: (a) if the Society fails or refuses to perform, observe or comply with any term, covenant or condition of this Agreement within sixty (60) days after written notice from the County; (b) if the Society shall make an assignment for the benefit of its creditors; (c) if any bankruptcy, dissolution, reorganization, composition, extension, arrangement or insolvency proceedings shall be commenced by or against the Society; (d) if the Society's interest in this Agreement or the Gardens is encumbered in any material respect or taken by attachment, lien, execution or other legal process, other than as may be specially permitted by the terms and conditions of this Agreement; or (e) if any receiver or trustee shall be appointed for the Society's property.

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8. Remedies of the County. Upon or at any time after the happening and during the continuation of any one or more of the events listed in Section D.8., the Society shall be in default under this Agreement and the County may terminate this Agreement in accordance with Section F.

9. Condition of Premises. The Society shall perform daily and routine maintenance and repair necessary to maintain the Premises and operate the Gardens in a clean and safe condition suitable for use by the Society or the public, as appropriate, in a manner consistent with its intended purpose (such maintenance and repairs referred to herein as “Non-Capital Repairs”). The County shall perform all maintenance and repairs to the Premises other than Non-Capital Repairs, including, without limitation, any structural repairs to the buildings on the Premises (such maintenance and repairs referred to herein as “Capital Repairs”). Nothing in this Section D.10. shall be interpreted to substitute for or obviate the County’s obligations to fund the Society and undertake capital improvements as provided herein after receipt, if any, of insurance proceeds or indemnification by the Society if applicable.

10. Utilities. The County shall provide to the Premises, or cause to be provided to the Premises, all electric service, City of Buffalo water service, natural gas service and/or heating fuel oil necessary for the operation of the Gardens, all without cost to the Society.

E. MAINTENANCE AND OPERATION OF PREMISES

1. **Society’s Rights and Obligations.**

- (a) Operation and Management of Gardens. The Society shall be solely responsible for the operation and management of the Gardens in a manner consistent with the standards of the American Association of Museums (“AAM”) for accredited botanical gardens of its size and type and in accordance with the Proposed Plan. In order to fulfill the requirements of the AAM and other accrediting organizations, the Society shall also have the exclusive right, to be exercisable in its sole discretion, to acquire, propagate, remove, replace, substitute or eliminate specimens as best practice standards for the operation of a botanical gardens of this size and type shall dictate.
- (b) Management and Staff Personnel. Other than as provided in Section E.2.(a), all management and staff personnel for the operation of the Gardens shall be employees of the Society. All such management and staff personnel shall be hired without regard to race, creed, religion, gender, disability or national origin. Other than the limitation in the preceding sentence, the Society shall have the exclusive right, exercisable in its sole discretion subject to the terms and conditions of this Agreement, to make employment decisions with respect to the size, composition and organization of all management and staff personnel including, without limitation, salary and benefits.
- (d) Contributions. The Society shall use its best efforts to seek contributions and grants from other governmental sources, foundations, corporations and individuals to support the operations of the Gardens, to implement the Proposed Plan, and to provide funding for the capital projects described in Section E.2.(b).

The Society acknowledges that the funding being provided by the County pursuant to this Agreement is insufficient to meet the full operational budgetary needs of the Society for the performance by the Society of the terms and conditions of this Agreement and the Society assumes the duty and obligation to raise additional funds from outside sources to meet its budgetary needs.

The Society shall have the right to name the entire Gardens or any portion thereof in recognition of financial contributions or grants to the Society or the Gardens, provided that such naming is not publicly offensive. To be binding after the termination of this Agreement, the naming of any portion of the Gardens shall be subject to the approval of the County, which approval shall not be unreasonably withheld. To be binding during the term of this Agreement or after the termination of this Agreement, the naming of the entire Gardens shall be subject to the approval of the County, which approval shall not be unreasonably withheld, and such other approvals, including the approval of the City of Buffalo, if necessary. All naming rights, sale of any of the Collection, and admission revenue earned from operation of the Gardens by the Society shall be used exclusively for operation and improvement of the Gardens.

- (d) Fundraising. The Society may sell memberships, seek named program sponsorships, charge admission fees and undertake such other marketing and revenue generating activities as it shall deem necessary or advisable to support financially the operations of the Gardens in a manner consistent with the standards of the AAM for accredited botanical Gardens of its size and type and the Proposed Plan.
- (e) Society Improvements. The Society shall use its best efforts to improve and expand its exhibits and programs adhering to the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan.
- (f) Financial Statements. The Society shall provide to the County Executive and the County Comptroller copies of its audited financial statements on an annual basis.
- (g) Inventory. At the commencement of the Agreement and at least bi-annually thereafter, the Society shall cause there to be prepared an inventory of the Personalty and the capital improvements to the Premises. A copy of each inventory shall be sent to the County Executive and the County Comptroller within thirty (30) days of its preparation.
- (h) Insurance. The Society shall, at all times during the term of this Agreement, maintain comprehensive liability, automobile liability and excess liability insurance in amounts as required and approved by the County Attorney and naming the County as an additional insured party on such insurance policies. The Society shall insure the horticultural collection against loss but shall not be responsible for insuring the improvements that are part of the Premises.

- (i) Society's Indemnification. The Society shall indemnify, defend and hold harmless the County from all claims, lawsuits, costs, damages or injuries to persons or property, including, without limitation (1) those relating to pollution, hazardous waste and materials, and other conditions of the Premises attributable to the operation or improvement of the Premises by the Society; and (2) those arising out of the contractual duties and responsibilities of the Society, except to the extent that such liability is attributable to the acts, omission, or negligence of the County or its officers, employees, agents or contractors.

2. County's Rights and Obligations.

- (a) HVAC Systems Conversion. Within forty-eight (48) months of the execution of this Agreement by the Parties, the County shall, at its sole expense, convert all buildings on the Premises to "smart" buildings for the purposes of controlling and operating all HVAC systems. Throughout the term of this Agreement, the County shall provide, at its sole expense, properly licensed and qualified personnel to operate the HVAC systems whether currently existing or any replacement(s) thereof.
- (b) Capital Improvements. The County shall, within the limits of a series of capital budgets adopted by the County during the period from 2005 through and including 2013, fund and undertake a total of \$9 million of capital improvements to the buildings on the Premises, consistent with the Proposed Plan or as may otherwise be agreed to by the County and the Society, which are necessary to operate the Gardens in a manner consistent with the standards of the AAM for accredited botanical gardens of its size and type and the Proposed Plan. Any such capital improvements made by the County shall remain the property of the County, but shall be considered part of the Premises and Gardens for purposes of the Society's responsibilities under this Agreement.
- (c) County Employees. The County shall, at its sole expense, be responsible for negotiating revisions to all collective bargaining agreements to which it is a party insofar as such agreements relate to County employees currently working at the Gardens or on the Premises for the purpose of transferring or making other work assignments for such employees who shall remain part of the collective bargaining units. No personnel employed by the Society for the operation of the Gardens shall be members of such collective bargaining units or be governed by said collective bargaining agreements.
- (d) Funding from the County. Beginning August 16, 2004, the County shall provide funding to the Society for the operation of the Gardens for a minimum term of five (5) fiscal years, in the amount of Four Hundred Fifty Thousand Dollars (\$450,000) per annum payable in quarterly installments of \$112,500 at the beginning of each fiscal quarter, provided, however, that the first installment for the remainder of the 2004 fiscal year shall be One Hundred Fifty Thousand dollars (\$150,000) payable on or before August 16, 2004. The next quarterly payment shall be due on January 15, 2005. Such funding

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shall be in addition to the funding for Capital Repairs described in Section D.10. hereof and capital improvements described in Section E.2.(b) hereof.

The sums payable pursuant hereto shall be exclusive of any Public Benefit Grants or Cultural Funding Grants which may be granted by the County pursuant to application made by the Society in accordance with the County's procedures for same and subject to the County's discretionary approval and appropriation with respect thereto or any other monies due, expenses incurred or other financial obligations borne by the County pursuant to the terms of this Agreement.

- (e) Insurance. The County represents, and the Society recognizes, that the County is self-insured and that the Premises and the Gardens fall within the County's self-insurance plan. The County shall cause any and all contractors and vendors who shall perform work or services for the County, at the Gardens, for which the County requires liability insurance, to name the Society as an additional insured party on such insurance policies. The County shall require that all such contractors and vendors provide evidence of such insurance to the Society prior to the commencement of work or services at the Gardens.
- (f) County's Indemnification. To the extent permitted by New York State law, the County shall indemnify, hold harmless and defend the Society from all claims, lawsuits, costs, damages or injuries to persons or property, including, without limitation (1) those relating to pollution, hazardous waste and materials, and other conditions of the Premises as of the execution of this Agreement or as improved by the County; and (2) those arising out of the contractual duties and responsibilities of the County, except to the extent that such liability is attributable to the actions, omission, or negligence of the Society or its officers, employees, directors, agents or contractors.

F. TERMINATION

Termination.

- (a) This Agreement may be terminated prior to the expiration of the term hereof upon either Party's material breach of this Agreement, which breach has not been cured within sixty (60) days after the breaching Party's receipt of written notice from the non-breaching Party.
- (b) Upon the expiration, or earlier termination of this Agreement as described in subsection (a) of this Section F., the Society shall convey to the County good and marketable title, free and clear of all liens, liabilities, security interests, encumbrances, licenses, claims and other restrictions, in and to the following:
 - (1) the then existing Collection, as the same may be modified as provided for in this Agreement;
 - (2) the then existing Personalty, as the same may be modified in accordance with the Society's right set forth herein to remove or replace items

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of Personalty as necessary for the safe and efficient operation of the Gardens and which replacement items shall also be transferred to the County upon the expiration or earlier termination of this Agreement. Notwithstanding the foregoing, equipment, supplies and other personal property currently owned or hereafter acquired by the Society which are not replacements for Personalty existing on the date hereof shall remain the property of the Society and shall not be conveyed to the County; and

(3) any capital improvements made to the Premises whether by the Society, the County or any third party during the Term of the Agreement.

G. MISCELLANEOUS

1. Entire Agreement. This Agreement (including the Proposed Plan) constitutes the entire agreement and supersedes all prior agreements and understandings, both written and oral, between the parties hereto with respect to the subject matter hereof. To the extent there is a conflict between this Agreement and the Proposed Plan, however, the terms of this Agreement shall be controlling.

2. Assignment to Third Parties. Neither this Agreement nor any of the rights or duties hereunder shall be assigned or delegated by either of the Parties without the prior written consent of the other Party, and any attempted assignment or delegation without such consent shall be void.

3. Modifications. Any amendment, change or modification of this Agreement shall be void unless in writing and signed by the Parties hereto.

4. Expenses. The Parties shall each bear, respectively, the costs and expenses incurred by them or on their behalf in connection with the negotiation, execution and closing of this Agreement and the transactions contemplated hereby. Notwithstanding the foregoing, sale or transfer taxes, if any, applicable to the transfers of the Subject Assets shall be borne by the County.

5. No Assumption of Liabilities. Except as expressly provided in this Agreement, neither Party shall assume any liability or obligation of the other Party of any nature, whether accrued, absolute, contingent or otherwise.

6. Survival. The representations, warranties, covenants, agreements and obligations of the Parties made in Sections B, E.1(i), E.2(f), E.1(c), F(b), and G.5 shall survive the termination of this Agreement.

7. Governing Law. This Agreement shall be governed, construed and enforced in accordance with New York law without regard to principles of conflicts of law.

8. Further Assurances. From time to time after the closing of the transactions contemplated herein, the County will execute all such instruments and take all such actions as the Society shall reasonably request in order to more effectively convey and transfer to the Society good and

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marketable title to the Subject Assets and in order to confirm the Society’s right to occupy and use the Premises.

9. Notices. Any notices or other communications required or permitted to be given pursuant to this Agreement shall be deemed to have been effectively made and given if in writing and delivered personally or sent by certified mail, postage prepaid, addressed in accordance with the addresses set forth in the preamble of this Agreement.

IN WITNESS WHEREOF, each of the parties hereto have duly executed this Agreement as of the date first written above.

APPROVED AS TO FORM

APPROVED AS TO CONTENT

FREDRICK A. WOLF, County Attorney

 LAWRENCE D. JASINSKI, Commissioner

By: _____

 LAURENCE K. RUBIN, Commissioner

Dated: _____

Doc. No. _____

**BUFFALO AND ERIE COUNTY
 BOTANICAL GARDENS SOCIETY, INC.**

COUNTY OF ERIE

By: _____

By: _____

Name: _____

Name: JOEL A. GIAMBRA

Title: _____

Title: County Executive

Schedule A

Personalty

Buffalo and Erie County Botanical Gardens -Erie County Equipment List June 25, 2004

1	Chevy 2500 Cargo Truck-1998
1	Chevy 3500 Dump Truck-1995
1	Gas Chainsaw
1	Electric Fogger
1	Diesel Lawnmower
1	Gas Lawnmower – Self-propelled
2	Gas Lawnmower – push type

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1	Electric Lawnmower – Push type
2	Rototiller
1	Snowblower
1	Soil Shredder
1	Electric Sprayer – Large
3	Weedwackers - gasoline
1	Shop Vac 16 gal.

Buffalo and Erie County Botanical Gardens – Erie County Inventory of tools and small items
 June 25, 2004

12	Benches
14	Trash cans
2	Podiums
6	Dinosaur topiaries
13	Thermometers
20	Decorative clay planters
2	Bonsai benches
1	Statuary
2	Finials
2	Pedestals with gazing balls
4	Cherub statues
1	Mirror
25	Hoses
7	fire extinguishers
4	Fountains
2	Lead dolphin fountains
1	Small fountain in Orchid House
1	Bubbler fountain
10	Tubs with pumps
	Hand tools
3	Snow shovels
11	Leaf rakes
5	Floor squeegees
10	Push brooms
2	Manure forks
3	Digging forks
20	Shovels
1	Sickle
3	Hand saw
2	Corn brooms
	Trowels
	Pruners
3	Loppers

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1	Hedge shear
1	Leaf vacuum
6	Pick axe
2	Axe
1	Sledge hammer
2	Hose carts with hose
3	Rubbermaid carts
1	pruning saw
2	pole saws
2	mops & buckets
2	fish nets
26	large wire hanging baskets
24	small hanging wire hanging baskets
7	wood sculptures
5	smokers outposts
1	bike rack
4	tarps
4	wheel barrels
2	steel carts
1	leaf blower
12	school lockers
8	metal cabinets
3	extension ladders 6, 15, 25 & roof ladder
2	live traps
2	sieves
1	trolley cart
6	transformers
6	clamp lights on poles
3	flatbeds
11	stage spotlights
	Christmas and Easter Decorations
1	charcoal grill
2	refrigerators
1	microwave
1	coffee maker
1	ball cart
1	metal coatrack
8	light fixtures
1	safe
1	gas power blower
1	ultra quiet fan nutone
2	Scott's hand held spreaders
1	bernz o matic torch

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16	blue flood lights
18	3/4 hose mender
9	hand pruners
1	roll nylon grass string
2	grape scissors
1	chainsaw 24" gas
3	pairs of rubber gloves
14	pairs of latex gloves
4	knife and tool sharpeners
3	green hard hats
7	water wands
1	indoor timer
2	outside timers
3	15' light duty extension cords
2	iron rakes
1	gas powered pole trimmer
1	mulch fork
1	pony spade
1	forked spade
10	pointed hoes
2	aluminum landscape rakes
2	3 gallon spray tank's hand pump
2	handheld high compression sprayers
1	fish tank

(5-0) Legislator DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

LYNN M. MARINELLI
CHAIRPERSON

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 20 – MR. DUSZA presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 300

July 1, 2004

ENERGY & ENVIRONMENT
 COMMITTEE
 REPORT NO. 10

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ALL MEMBERS PRESENT, EXCEPT LEGISLATOR RANZENHOFER.

1. RESOLVED, that the following items are hereby received and filed.
- a. Item Page -2004 (Comm. 15D-4)
DEP: Close out Report – Household Hazardous Waste Collection – 5/08/04.
 (4-0) Legislator Ranzenhofer absent.
- b. Item Page -2004 (Comm. 15E-14)
COUNTY EXECUTIVE: EC Southtowns Sewage Treatment Agency – Engineering Service Agreement, 6/1/02 – Change Order No. 4.
 (4-0) Legislator Ranzenhofer absent.
- c. Item Page -2004 (Comm. 15E-23)
COUNTY EXECUTIVE: ECSD No. 3 – Engineer Term Agreement.
 (4-0) Legislator Ranzenhofer absent.
- d. Item Page -2004 (Comm. 15E-26)
COUNTY EXECUTIVE: ECSD No. 6 – Bethlehem Park Rehabilitation Phase I – Change Order No. 2 – C. Destro Development Company.
 (4-0) Legislator Ranzenhofer absent.
- 2 a. Item Page -2003 **AS AMENDED**
 (Comm. 20E-41)
COUNTY EXECUTIVE
 RESOLUTION NO. 301 -2004

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 1 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) July 1, 2004.

(Adopted) _____, 2004.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 1 of the County of Erie, New York, has heretofore been established and created on March 6, 1960 (the "District") to provide sewer services to the southern part of the Town of Cheektowaga and the northern part of the Town of West Seneca; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 1 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of

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Managers of Erie County Sewer District No. 1 on April 23, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 37,488 linear feet of sewer, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No.1; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$6.50 for the Town of Cheektowaga, \$7.50 for the Town of West Seneca, \$10.08 for the Town of Elma, and \$7.00 for the Village of Depew; and

WHEREAS, said County Legislature duly adopted Resolution No. 198 on May 13, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 2nd Floor, Part 6, .in Buffalo, New York, in said County, on June 24, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 1, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,000,000.

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Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,000,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewer units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 1.

Section 3. This resolution shall take effect immediately.
 (4-0) Legislator Ranzenhofer absent.

2 b.	Item	Page	-2003	AS AMENDED (Comm. 20E-41)
	COUNTY EXECUTIVE			
	RESOLUTION NO. <u>302</u>	-2004		

BOND RESOLUTION DATED _____, 2004

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OF THE COUNTY OF ERIE, OR SO MUCH THEREOF AS MAYBE NECESSARY, TO FINANCE THE COST OF AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF ERIE COUNTY SEWER DISTRICT NO.1; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,000,000; STATING THE PLAN OF FINANCING SAID COST INCLUDES THE ISSUANCE OF \$4,000,000 BONDS HEREIN AUTHORIZED; PROVIDING FOR A TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AND PROVIDING FOR REIMBURSEMENT TO SAID COUNTY.

(Introduced) July 1, 2004

(Adopted) _____, 2004

WHEREAS, pursuant to proceedings had and taken in accordance with the provisions of Article 5A of the County Law and more particularly a resolution of this County Legislature dated July 8, 2004, an increase and improvement of facilities for Sewer District No.1 has been approved at a estimated maximum cost of \$4,000,000, and

WHEREAS, it is now desired to provide for the financing of said costs, NOW THEREFORE BE IT

RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the affirmative vote of not less than two-thirds of the voting strength of said Legislature), AS FOLLOWS:

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Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, as amended (the "Law"), and to the provisions of other laws applicable thereto, \$4,000,000 bonds of the County, or so much thereof as may be necessary, are hereby authorized to be issued to finance the cost of an increase and improvement of facilities for Erie County Sewer District No.1, consisting of the reconstruction and/or replacement of approximately 37,488 linear feet of sewer, all as more fully described in the report and estimate of cost approved by the Board of Managers of said District on April 23, 2004, and filed with the County Legislature pursuant to Section 268 of the County Law. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and to the financing thereof, is \$4,000,000. The plan of financing includes the issuance of \$4,000,000 bonds herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds, and the levy of a tax to pay the principal of and interest on said bonds and notes, the said principal and interest to be reimbursed to the County by the assessment and levy on the real property in Erie County Sewer District No.1.

Section 2. The period of probable usefulness for the specific objects or purposes for which said \$4,000,000 bonds herein authorized to be issued, within the limitations of Section 11.00 a. 4. of the Law, is forty (40) years.

Section 3. Current funds are not required to be provided as a down payment prior to the issuance of the \$4,000,000 bonds authorized herein, or any bond anticipation notes issued in anticipation thereof, pursuant to Section 107.00 d. 3. of said Law.

Section 4. The County intends to finance, and the Comptroller of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the maximum amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Subject to the provisions of this Resolution and of the Law, and pursuant to the provisions of §21.00 relative to providing for substantially level or declining annual debt service, §30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of §§50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the County Legislature relative to authorizing the issuance of any notes in anticipation of the sale of the respective amounts of bonds herein authorized, or the renewals thereof, relative to prescribing the terms, form and contents and as to the sale and issuance of the respective amounts of bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Comptroller of the County, as the chief fiscal officer of the County.

Section 6. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Erie, payable as to both principal and interest by general tax upon all the taxable real property within the County without limitation as to rate or amount. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. The validity of the bonds authorized by this Resolution and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Resolution shall take effect immediately upon approval by the County Executive.

(4-0) Legislator Ranzenhofer absent.

AS AMENDED
(Comm. 11E-22)

3. Item Page -2004

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bids for the Erie County Sewer District Number 2, Disinfection Improvements, Contract Nos. 66STP-A General, 66STP-B Heating and Ventilation, 66STP- C Plumbing, and 66STP-D Electrical, at the Big Sister Creek Wastewater Treatment Plant on June 24, 2004.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 66STP-A General	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 429 Springville, NY 14141	\$1,217,100.00

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Contract 66STP-B HVAC	John W. Danforth Co. 2100 Colvin Boulevard Tonawanda, NY 14150	44,000.00
Contract 66STP-C	W.C. Roberson Plumbing & Plumbing Construction Co. 602 E. Delavan Avenue Buffalo, NY 14211	14,700.00
Contract 66STP-D Electrical	O'Connell Electric Co. 830 Phillips Road Victor, NY 14564	140,000.00

WHEREAS, the aforementioned lowest responsible bidders have been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Disinfection Improvements, Contract Nos. 66STP-A General, 66STP-B Heating and Ventilation, 66STP-C Plumbing, and 66STP-D Electrical, at the Big Sister Creek Wastewater Treatment Plant be awarded to the lowest responsible bidders as follows:

<u>Contract</u>	<u>Low Bidder</u>	<u>Amount Bid</u>
Contract 66STP-A General	STC Construction, Inc. 63 Zoar Valley Road P.O. Box 429 Springville, NY 14141	\$1,217,100.00
Contract 66STP-B HVAC	John W. Danforth Co. 2100 Colvin Boulevard Tonawanda, NY 14150	44,000.00
Contract 66STP-C	W.C. Roberson Plumbing & Plumbing Construction Co. 602 E. Delavan Avenue Buffalo, NY 14211	14,700.00
Contract 66STP-D Electrical	O'Connell Electric Co. 830 Phillips Road Victor, NY 14564	140,000.00

and be it further

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RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contracts with the aforementioned lowest responsible bidders subject to approval as to form by the County Attorney and certification of availability of funds from the Project Fund Balance or an authorized advance from the General Fund by the Comptroller's Office; and be it further RESOLVED, that the Comptroller is authorized and directed to allocate \$1,415,800.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00013 (430-444), for Contract: 66STP -A, Contract 66STP -B, Contract 66STP -C, and Contract 66STP -D; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.
 (4-0) Legislator Ranzenhofer absent.

			AS AMENDED
4.	Item	Page	(Comm. 13E-16)
		-2004	
	COUNTY EXECUTIVE		

WHEREAS, the City of Lackawanna and Erie County Sewer District No. 6 have identified and mutually agreed that the subbase and Trueing and Leveling, within the project area but outside the fiscal limits of the Erie County Sewer District No. 6 project, needs to be rehabilitated and

WHEREAS, both the City and the Sewer District desire to consolidate this subbase work along Spruce Street and Jackson Avenue to alleviate inconvenience to the public and reduce costs to the taxpayer, and

WHEREAS, the County's contractor, C. Destro Development Co., Inc., is working in the project area and the City of Lackawanna has agreed to reimburse the County the costs for said improvements at a cost not to exceed \$19,646.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement be approved between the County, on behalf of Erie County Sewer District No. 6, and the City of Lackawanna for the purpose of rehabilitating subbase and Trueing and Leveling the section of Spruce Street and Jackson Avenue in Bethlehem Park which will suit the needs of both municipalities, and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the agreement subject to approval as to form by the County Attorney, and content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that \$19,646.00 be allocated from account 516020 (Professional Service Contracts) in Erie County Sewer District No. 6 Operating fund and Sewer District No.6 will be reimbursed from the City of Lackawanna at a sum not to exceed \$19,646.00, and be it further

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RESOLVED, the Director of Budget, Management and Finance is hereby authorized to "increase the Erie County Sewer District No. 6 Operating Budget to fund this agreement as follows;

516020	Professional Service Contracts	\$19,646.00
466000	Miscellaneous Receipts	19,646.00

and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller; one certified copy to the Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Ranzenhofer absent.

5. Item Page -2004 (Comm. 15E-12)

COUNTY EXECUTIVE

WHEREAS, Niagara Mohawk Power Corporation has requested use of a fifteen feet by fifteen feet area of vacant County land, SBL 141.20-1-3.12, for the installation of bollards and a guy wire which will support a power pole located adjacent to the County property and

WHEREAS, a revocable permit is recommended for Niagara Mohawk Power Corporation to use the vacant property; and

WHEREAS, this revocable permit will have no negative effect on the ability of Erie County Sewer District No. 6 to operate and maintain sewer related operations; and

WHEREAS, the granting of this revocable permit will bear no cost to the County and

WHEREAS, Erie County Sewer District No. 6 and the Advisory Review Committee have reviewed this matter and recommend the granting of this revocable permit.

NOW, THEREFORE, BE IT

RESOLVED, that a revocable permit for use of a fifteen feet by fifteen feet area on parcel SBL no. 141.20-1.3.12 be granted to Niagara Mohawk; and be it further

RESOLVED, that the County Executive be authorized to sign said revocable permit subject to approval by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner; Department of Environment and Planning, Gregory J. Dudek, Assistant County Attorney; and Nancy Naples, Erie County Comptroller's Office.

(4-0) Legislator Ranzenhofer absent.

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6. Item Page -2004 (Comm. 15E-16)

COUNTY EXECUTIVE

WHEREAS, the Buffalo & Erie County Botanical Gardens Society is a not-for-profit organization, and

WHEREAS, the Buffalo & Erie County Botanical Gardens Society has done temporary planting in the Main Dome, and

WHEREAS, the Buffalo & Erie County Botanical Gardens has purchased temporary plantings without any mark-up, and

WHEREAS, the cost of the planting materials and miscellaneous expenses will not exceed \$20,000.

NOW, THEREFORE, BE IT,

RESOLVED, that the Buffalo & Erie County Botanical Gardens has purchased temporary plantings, at cost with no mark-up, and be it further,

RESOLVED, that the cost of the plant materials will not exceed \$20,000, and be it further,

RESOLVED, that the amount of \$20,000 be allocated to reimburse the Buffalo & Erie County Botanical Gardens Society, for the cost of the temporary planting materials, and be it further,

RESOLVED, that the funding for the reimbursement is from 2003 Parks Master Plan, Project A.09020, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to Budget Management & Finance; one copy to the Comptroller's Office; one copy to the Office of the County Executive; and one copy to the Erie County Botanical Gardens Society.

(4-0) Legislator Ranzenhofer absent.

7. Item Page -2004 (Comm. 15E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 34EV to Sicar, Inc. for the Erie County Sewer District No. 2 Bluffs Subtrunk Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No.34EV in the final contract amount of \$405,360.44 which includes Change Order No. 2 (final), an increase of \$6,989.35, and approval for final payment.

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NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 34EV between the County of Erie and Sicar, Inc., 1128 Jamison Road, Elma, New York 14059 is accepted in the amount of \$405,360.44, which includes Change Order No. 2(final), an increase of \$6,989.35, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No.34EV between the County of Erie and Sicar, Inc. in the amount of \$405,360.44 and the release of retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra, one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office, one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Ranzenhofer absent.

8. Item Page -2004 (Comm. 15E-25)

COUNTY EXECUTIVE

WHEREAS, the Village of Blasdell has become part of Erie County Sewer District No. 3 (ECSD No. 3); and

WHEREAS, ECSD No. 3 is desirous of having a joint construction project with the Village of Blasdell to rebuild the Pearl and Orchard Avenue sanitary sewers when the Village reconstructs the roads in 2004 and 2005; and

WHEREAS, this Honorable Body approved a resolution on November 13, 2003 approving an agreement between the County of Erie on behalf of Erie County Sewer District No. 3 and the Village of Blasdell in the amount of \$100,000 for the joint sanitary sewer, water and road reconstruction of Pearl and Orchard Avenues; and

WHEREAS, revised cost estimates show that the estimated cost to Erie County Sewer District No. 3 is now \$160,000.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3, and the Village of Blasdell for the rebuilding of the Pearl, Commercial and Orchard Avenue sanitary sewers together with the Village's reconstruction of the roads and water lines is hereby approved; and be it further

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RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Comptroller be authorized and directed to reimburse the Village of Blasdell an amount not to exceed \$160,000.00. \$100,000.00 shall come from ECSD No. 3 Capital Account C.00014 (430-446) and \$60,000.00 from ECSD No. 3, Capital Account C.00039 for the replacement of the Pearl, Commercial and Orchard Avenue sanitary sewers, subject to the approval and verification of the cost by the County's Division of Sewerage Management; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this resolution to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; Joseph Passafiume, Director of Budget, Management and Finance; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning.
 (4-0) Legislator Ranzenhofer absent.

9. Item Page -2004 (Comm. 15E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to solid waste management planning units to assist them in meeting their solid waste management objectives; and

WHEREAS, the DEP provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, Erie County, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract be entered into between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

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RESOLVED, that the County Executive or his representative is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State; and be it further

RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Maria Lehman, Commissioner of the Department of Public Works; Patrick Gallivan, Erie County Sheriff; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0) Legislator Ranzenhofer absent.

10. Item Page -2004 (Comm. 15E-45)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) provides support to solid waste management planning units to assist them in meeting their solid waste management objectives; and

WHEREAS, the DEP provides technical assistance to municipalities and businesses to help address their waste management needs; and

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, Erie County, herein called the Municipality, has examined and duly considered the applicable laws of the State of New York and the Municipality deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between the people of the State of New York, herein called the State, and the Municipality be executed for such State aid.

NOW, THEREFORE BE IT

RESOLVED, that the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized; and be it further

RESOLVED, that the County Executive or his representative is directed and authorized as the official representative of the Municipality to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the State; and be it further

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RESOLVED, that the Municipality agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Maria Lehman, Commissioner of the Department of Public Works; Patrick Gallivan, Erie County Sheriff; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

(4-0) Legislator Ranzenhofer absent.

11. Item Page -2004 (Intro. 15-1)

McCARVILLE, MINORITY CAUCUS

WHEREAS, the Erie County Legislature supports the agricultural industry, the protection of farmland, intelligent development of rural communities, the Right To Farm Act and better ways to coordinate between various levels of government on development and agricultural issues, and

WHEREAS, it was stated publicly at a June 16, 2004 meeting of Erie County Legislators and town supervisors and representatives that the Erie County Legislature is committed to working with local towns and villages to secure more state and federal funding to protect farmland and help the agricultural industry in Erie County, and

WHEREAS, one solution to providing needed funds is found in legislation before the New York State Assembly and Senate (S.6949/A.10053), which if approved would create a fund for the implementation of plans for preservation of community character, including the protection of farmland, and

WHEREAS, if approved this fund would allow towns to acquire interests or rights in real property for the preservation of community character, to establish a bank pursuant to a transfer of development rights program and to provide management and stewardship for such interests and rights, and

WHEREAS, if a fund was made available for the purchase of development rights at the town level, the Erie County Legislature would be committed to working with towns to promote a regional approach to the protection of farmland and the preservation of community character,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to helping the agricultural industry, the protection of farmland, intelligent development of rural communities, the Right To Farm Act and better ways to coordinate between various levels of government, and be it further

RESOLVED, that this Honorable Body seeks to continue to work with local towns and villages to ensure the protection of farmland and the preservation of community character, and be it further

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RESOLVED, that this Honorable Body asks the Governor and the New York State Legislature to consider passing (S. 6949/A.10053), which would create a community preservation fund, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor George Pataki, the Western New York Delegation to the New York State Legislature, the Supervisors of Amherst, Alden, Aurora, Boston, Brant, Cheektowaga, Clarence, Colden, Collins, Concord, Eden, Elma, Evans, Hamburg, Holland, Lancaster, Marilla, Newstead, North Collins, Orchard Park, Sardinia and Wales, the Erie County Commissioner of Environment and Planning, the New York State Department of Environmental Conservation and the President of the Erie County Farm Bureau.

Fiscal Impact: To Be Determined
 (4-0) Legislator Ranzenhofer absent.

RAYMOND K. DUSZA
CHAIRMAN

MR. DUSZA moved to separate items #2a (Comm. 20E-41 2003), #2b (Comm. 20E-41 2003), #3 (Comm. 11E-22 2004) & #9 (Comm. 15E-32 2004) and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2a. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

MR. DUSZA moved the approval of item #2b. MS. MARINELLI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

CHAIRMAN HOLT directed that items #3 be sent to the GOVERNMENT & AFFAIRS COMMITTEE.

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GRANTED.

CHAIRMAN HOLT directed that items #9 be sent to the GOVERNMENT & AFFAIRS COMMITTEE.

GRANTED.

Item 21 – MR. KUWIK presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 303

July 1, 2004

PUBLIC SAFETY
 COMMITTEE
 REPORT NO. 10

ALL MEMBERS PRESENT.

1. RESOLVED, that the following item is hereby received and filed.

a. Item Page -2004 (Comm. 13E-27)
COUNTY EXECUTIVE: Emergency Services – Revision to NYS Weapons of Mass Destruction Task Force Grant (Comm. 6E-20).
 (5-0)

2. Item Page -2004 (Comm. 15E-11)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services proposes a County owned fiber optic infrastructure between the new Public Safety Campus and the Rath Building; and

WHEREAS, this new fiber optic infrastructure will provide secure voice, video and data services to the Public Safety Campus via a high speed link; and

WHEREAS, the Division of Information and Support Services and the Department of Central Police Services request authorization to issue a purchase order to ECC Technologies, Inc. for the design, engineering and construction of the fiber optic infrastructure; and

WHEREAS, ECC Technologies, Inc. is an authorized New York State contract vendor for design, engineering and construction of fiber optic networks; and

WHEREAS, the Department of Central Police Services has received grant funding confirmation to build the fiber optic infrastructure;

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NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to issue a purchase order to ECC Technologies, Inc. for an amount not to exceed \$365,000.00 for design, engineering and construction of a fiber optic infrastructure between the new Public Safety Campus and the Rath Building; and be it further

RESOLVED, that the County of Erie will purchase these services through New York State OGS and University contracts; and be it further

RESOLVED, that the source of funding for this project will be from the Public Safety Campus Capital Funds (to be reimbursed by \$100,000.00 from UASI FY03 funding and \$265,000.00 from Expedited Deployment Funding); and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, the Division of Information and Support Services, the Department of Central Police Services and the Department of Public Works.

(5-0)

3. Item Page -2004 (Comm. 15E-15)

COUNTY EXECUTIVE

WHEREAS, per Resolution 20E-20 dated December 12, 2002 and Resolution 16E-11 dated October 2, 2003, the Erie County Legislature accepted \$143,864 and \$25,000 from NYSERDA for the installation of a WEAM system, and

WHEREAS, the WEAM system has proven to be very effective, and

WHEREAS, as part of the original program, the Erie County Correctional Facility was not included, as its meter is shared with the Erie County Home and Infirmary, and

WHEREAS, it is desired to have this level of sub-metering at the Erie County Correctional Facility.

NOW, THEREFORE, BE IT,

RESOLVED, that a contract be executed with Ziphany, who supplied all the original meters, for a total cost not to exceed \$7,000 including two years of service for sub-metering at the Erie County Correctional Facility to be paid from the 2003 Energy Conservation Measures Capital Fund 410, Project 405 (SAP# A.00076), and be it further,

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RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two copies to the Department of Public Works, Division of Highways; one copy to the Office of the County Executive; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

(5-0)

4. Item Page -2004 (Comm. 15E-20)

COUNTY EXECUTIVE

WHEREAS, Erie County Department of Probation and Youth Detention Services is responsible for the supervision of juveniles and adults by Order of the Courts of the Eighth Judicial District, and

WHEREAS, these Courts require electronic monitoring services for some juvenile and adult clients, and

WHEREAS, the equipment we currently utilize is of varying ages (some 20 years old) and will no longer be serviced after July 2005, and

WHEREAS, funds are currently available within Account 516030 and Account 545000 of the adopted budget of the Department of Probation and Youth Detention Services,

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to transfer the funds in order to purchase new equipment rather than paying to maintain older equipment.

Department of Probation and Youth Detention Services

Appropriation

Account 516030	Maintenance Contracts	Decrease \$22,000.00
Account 545000	Rental	Decrease \$11,000.00
Account 561410	Lab & Technical Equipment	Increase \$33,000.00
Net Impact on Tax Levy:		\$ -0-

And be it further

RESOLVED, that certified copies of this Resolution be sent to the County Executive, the Department of Probation and Youth Detention Services, the Erie County Comptroller and the Division of Budget, Management and Finance.

(5-0)

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5. Item Page -2004 (Comm. 15E-21)

COUNTY EXECUTIVE

WHEREAS, the Department of Probation has established an Intensive Community Intervention Project in Cheektowaga through the Title V Grant, and

WHEREAS, an extension and reallocation of funds have been made available by the New York State Division of Criminal Justice Services (DCJS),

NOW THEREFORE, BE IT

RESOLVED, that authorization is hereby provided for the County Executive to extend the current contract to September 30, 2004 under the Title V Program with the New York State Division of Criminal Justice Services, and be it further

RESOLVED, that the following transactions are authorized to amend the budget of the Title V Grant in the Probation and Youth Detention and Central Police Services Departments:

Grant Fund
03-01-03 to 09-30-04

Title V
Project # 730 Probation/Youth Detention Services Department

Appropriations	Adopted Budget	Change	To
500000 Personnel Services	\$52,811.00	\$28,704.00	\$81,515.00
502000 Fringe Benefits	12,264.00	10,591.00	\$22,855.00
505000 Office Supplies	600.00	-600.00	-0-
510000 Local Mileage	1,500.00	-1,500.00	-0-
516000 Contractual Expenses	5,400.00	-5,400.00	-0-
530000 Other Expenses	-0-	2,390.00	2,390.00
545000 Rental Charges	-0-	550.00	550.00
<u>561410 Lab & Tech Equipment</u>	<u>1,000.00</u>	<u>-1,000.00</u>	<u>-0-</u>
Total Appropriations	\$73,575.00	\$33,735.00	\$107,310.00
Revenues			
408530 State Aid - Criminal Justice	<u>\$73,575.00</u>	<u>\$33,735.00</u>	<u>\$107,310.00</u>
Total Revenues	\$73,575.00	\$33,735.00	\$107,310.00

and be it further

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RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance; the Office of the Comptroller and the Department of Probation and Youth Detention Services.

(5-0)

6. Item Page -2004 (Comm. 15E-22)

COUNTY EXECUTIVE

WHEREAS, the Community Foundation for Greater Buffalo, has awarded \$140,479.00 to the Erie County Probation Department Office as part of the Project Safe Neighborhood, and

WHEREAS, these funds will be used to create (1) Probation Officer, J. G. 11, to attend to the duties and responsibilities as outlined in the grant proposal, for a period of twenty- four months, and

WHEREAS, these funds will allow the Probation Department to plan, administer and implement a coordinated response to and enhanced period of supervision of all identified gun and gun-involved offenders.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a contract with the Community Foundation of Greater Buffalo to accept funding in the amount of \$140,479.00, and be it further

RESOLVED, that the Probation Department is authorized to create one (1) Probation Officer, J. G. 11, within the grant fund, and be it further

RESOLVED, that authorization is hereby provided to budget those funds in the grant fund as follows:

Erie County Probation and Youth Detention Services
 Dept Code 650-Project Safe Neighborhood
 October 1, 2004 to September 30, 2006

<u>Revenue</u>	Contributions/Private Agencies	<u>\$140,479</u>
Acct. 466210	Total Revenue	\$140,479
<u>Appropriations</u>		
Acct. 500000	Personnel Services	110,632
Acct. 501000	Fringe Benefits	<u>29,847</u>
	Total Appropriations	\$140,479

and be it further

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RESOLVED, that certified copies be forwarded to the County Executive; the Division of Budget, Management and Finance; the Department of Personnel and the Office of the Comptroller. (5-0)

7. Item Page -2004 (Comm. 15E-27)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the Department of Housing and Urban Development through the federal government to recover and reimburse for damages incurred from the Flood Disaster of 1998, and

WHEREAS, a part-time student intern has been working under this grant program, and salary and fringe benefit costs are also eligible expenses, and

WHEREAS, these funds will be utilized to retain the current student intern and to complete the remainder of the goals and objectives of this grant program.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to modify the grant program to cover personnel and fringe benefit costs to retain a part-time student intern, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the present grant:

Department of Emergency Services
 Disaster Recovery Initiative Grant

Revenue	Current Budget	Proposed Revision	New Totals
SAP414000 - Federal Aid – Other	<u>\$1,124,550</u>	<u>0</u>	<u>\$1,124,550</u>
TOTAL	\$1,124,550	0	\$1,124,550

Appropriations

SAP500000 – Personnel

(Interns) Fees	\$ 565	\$+4,635	\$ 5,200
SAP501000 – Overtime	\$ 3,635	- 3,635	0
SAP502000 – Fringe Benefits	1,175		1,175
SAP505000 - Office Supplies	2,000	- 1,000	1,000
SAP516020 – Dues and Fees	31,589		31,589
SAP506200 – Repairs and Maint.	1,000		1,000
SAP530000 - Other Expenditures	100,000		100,000
SAP516020 – Contractual	934,586		934,586
SAP561410 - Lab and Tech Equip	<u>50,000</u>		<u>50,000</u>
TOTAL	\$1,124,550	\$ 0	\$1,124,550

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Emergency Services.

(5-0)

8. Item Page -2004 (Comm. 15E-28)

COUNTY EXECUTIVE

WHEREAS, funds have been received from the United States Environmental Protection Agency to enhance the Erie County's Local Emergency Planning Committee (LEPC) activities, and

WHEREAS, these funds will be used to enhance the Erie County Local Emergency Planning Committee's activities, and

WHEREAS, a portion of the funds needs to be transferred from other lines of the grant budget to the personnel and fringe benefit lines, and

WHEREAS, the funds on the personnel and fringe benefit lines will allow the Department of Emergency Services to cover the additional personnel costs and fringe benefits of the present part-time intern to complete the activities of the Erie County Local Emergency Planning Committee (LEPC),

NOW THEREFORE BE IT

RESOLVED, that the County Executive, on behalf of the Department of Emergency Services, is hereby authorized to revise the grant from the United States Environmental Protection Agency, to allow the Department of Emergency Services to cover the additional personnel and fringe benefits of a part-time intern to allow this person to continue to update the Erie County Local Emergency Planning Committee's activities, and be it further

RESOLVED, that the following budgetary transactions are authorized in order to revise the grant which will assist the Department of Emergency Services for the Erie County Local Emergency Planning Committee:

Department of Emergency Services
 United States Environmental Protection Agency Grant

Revenue	Current Budget	Proposed Revision	New Total
SAP414000 - Federal Aid – Other	<u>\$59,400</u>	<u>\$0</u>	<u>\$59,400</u>
TOTAL	\$59,400	\$0	\$59,400
Appropriations			
SAP500000 – Personnel Costs	\$10,000	\$+5,973	\$ 15,973

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SAP502000 – Fringe Benefits	4,000		4,000
SAP516020 - Dues and Fees	6,000		6,000
SAP510100 - Long Distance Travel	2,000		2,000
SAP530000 - Other Expenditures	5,000		5,000
SAP516020 - Contractual	15,000		15,000
SAP561410 - Lab and Tech Equip	<u>17,400</u>	<u>\$-5,973</u>	<u>11,427</u>
TOTAL	\$59,400	\$ 0	\$ 59,400

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, Division of Budget, Management and Finance, the Office of the Comptroller, the Department of Personnel and the Department of Emergency Services.

(5-0)

9. Item Page -2004 (Comm. 15E-29)

COUNTY EXECUTIVE

WHEREAS, the New York State Division of Criminal Justice Services (hereinafter called DCJS) requests authorization to enter into an agreement with Erie County Central Police Services to provide a Statewide Automated Fingerprint Identifications System (hereinafter called SAFIS) Regional Site, and

WHEREAS, DCJS has purchased equipment and software licenses to enhance the fingerprinting processing capabilities at DCJS and at law enforcement and criminal justice agencies throughout the State of New York, and DCJS has an interest in providing for the security of the equipment and data and in abiding by the contractual warranty conditions and software licenses imposed by SAGEM MORPHO Systems, Inc. (hereinafter SAGEM MORPHO), and

WHEREAS, in 1990 the Erie County Central Police Services, a qualified criminal justice agency, was selected by DCJS as a Regional Latent Site for the Statewide Automated Fingerprint Identification System (hereinafter SAFIS or System) and will be utilizing the equipment and software license purchased by DCJS to perform latent fingerprint processing,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to enter into a continued agreement with DCJS, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the County Comptroller and the Department of Central Polices.

(5-0)

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10. Item Page -2004 (Comm. 15E-30)
COUNTY EXECUTIVE

WHEREAS, the Erie County CPS Forensic Lab has been awarded a Federal National Institute of Justice Grant to be administered by the New York State Department of Criminal Justice Services, and

WHEREAS, said funds will enable the Central Police Services Forensic Laboratory to analyze and generate DNA profiles from up to 300 additional, unsolved sexual assault cases and other violent crimes,

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the County Executive to renew the contract and accept funding in the amount of \$90,625 with the New York State Division of Criminal Justice Services, and be it further,

RESOLVED, that authorization is hereby provided to establish the grant in the budget of the Department of Central Police Services as follows:

Grant Fund-Department 650
 Central Police Services
 Forensic Laboratory
 09/01/03 – 08/31/04

<u>Revenue</u>	<u>Increase</u>
State Aid	<u>\$90,625</u>
Total Revenue	\$90,625
<u>Appropriation</u>	
Overtime	\$52,576
Fringe Benefits	14,195
Medical & Lab Supplies	<u>23,854</u>
Total Appropriation	\$90,625

And be it further,

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, Division of Budget, Management and Finance, Office of the Comptroller and the Department of Central Police Services.

(5-0)

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11. Item Page -2004 (Comm. 15E-54)

COUNTY EXECUTIVE

WHEREAS, the Division of Information and Support Services will be administering a capital project to upgrade the County's telecommunications network infrastructure; and

WHEREAS, this upgraded telecommunications infrastructure will provide additional features and manufacturer support; and

WHEREAS, the Division of Information and Support Services requests authorization to issue a purchase order to Guardian Communications Group, LLC for professional services in support of the County's telecommunications infrastructure; and

WHEREAS, Guardian Communications Group, LLC is an authorized New York State contract vendor for telecommunications services;

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie is authorized to issue a purchase order in an amount not to exceed \$200,000.00 to Guardian Communications Group, LLC for professional services in support of the County's telecommunications infrastructure; and be it further

RESOLVED, that the County of Erie will purchase these services through established New York State contracts; and be it further

RESOLVED, that the source of funding for this project will be from the 2003 capital project for Telecommunications Upgrades; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Division of Information and Support Services.

(5-0)

EDWARD J. KUWIK
CHAIRMAN

MR. KUWIK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 22 – MR. SMITH presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 304

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July 2, 2004

HUMAN SERVICES
 COMMITTEE
 REPORT NO. 9

ALL LEGISLATORS PRESENT, EXCEPT LEGISLATORS DEBENEDETTI & CUSACK.
 CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

1. Item Page -2004 (Intro. 11-19)
SMITH

WHEREAS, more than two dozen states say they plan to sue Brown & Williamson Tobacco Corp., accusing the company of targeting young people with its Kool cigarette marketing campaign, and

WHEREAS, Brown & Williamson was among the companies that agreed in 1998 to pay \$206 billion to settle smoking-related health care claims brought by states. Under terms of the settlement, tobacco companies are barred from targeting teens through advertising or marketing, and

WHEREAS, the agreement requires the states to give tobacco companies one month's notice before a lawsuit Brown & Williamson spokesman Mark Smith denied the company is marketing Kool cigarettes to kids. "We're going for adults, and adults for us start at 21," Smith said, and

WHEREAS, Brown & Williamson is the nation's third-largest cigarette company, and it is being bought by the second-largest, R.J. Reynolds. When that's complete, B&W's corporate headquarters in Louisville will move to Winston-Salem, N.C., where the merged company will be based, and

WHEREAS, Kool is a key brand for Brown & Williamson to seek black customers, since menthol cigarettes like it have historically been popular among African Americans. Kool used to be the top-selling cigarette among blacks but has fallen to second place behind Newport, and

WHEREAS, African-American teens have been less likely to become regular smokers during adolescence. A 10-year study by the Rand Corp. showed that by age 15 only 7 percent of black teens were regular smokers, compared to 20 percent of white and Hispanic smokers, and

WHEREAS, However, in the 1990s the rate of smoking among black youths began to rise, alarming some anti-smoking groups, and

WHEREAS, Dr. Adewale Troutman, director of the Louisville Metro Health Department, said Kool's hip-hop campaign is an attempt to further break down that resistance, and

WHEREAS, "this is a very, very, extremely slick campaign that I believe is absolutely targeting increasing the number of African-American youths who are smokers," says Dr. Troutman, "[and] as for age, the hip-hop generation [it] is largely teenaged"

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature affirms its support for any legal action against an aggressive cigarette campaign to marketed towards African-American youth, and be it further

RESOLVED, that this Honorable Body expresses its support for Attorney General Elliot Spitzer Letter of Notice of Intent to Initiate Enforcement Proceedings of the Master Settlement Agreement to Brown & Williamson Cigarette Company, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Mrs. Morrison, Assistant Attorney General, Office of the Attorney General (120 Broadway, 3rd Floor, New York, New York 10271), Kenneth Schoetz, Assistant Attorney General in Charge (Statler Towers, 107 Delaware Avenue, Buffalo, New York 14202)

Fiscal Impact: None.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

2. Item Page -2004 (Comm. 15E-18)

COUNTY EXECUTIVE

WHEREAS, the Department maintains contracts with community agencies to provide mentoring and other services to public school students and their families, and

WHEREAS, at the time the appropriations for 2004 contracts were established, the Department did not have sufficient allocation of Temporary Assistance to Needy Families (TANF) dollars to fund all programs, and it was necessary to present a budget recommendation that did not continue funding to some prior period contractors, and

WHEREAS, funding for these contract renewals for the next twelve months is now made available through the use of United Way funds as the local match to State Preventive Services funding, and

WHEREAS, there is no fiscal impact to this change.

NOW, THEREFORE, BE IT

RESOLVED, the County Executive and/or Commissioner of Social Services are authorized to execute contracts with Life Transitions Center, Joan A. Male Family Support Center and WNY United Against Drug and Alcohol Abuse, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 adopted budget:

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WHEREAS, the program will require additional monitoring and reporting in accordance with New York State regulation, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget from this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of the Department of Probation and Youth Detention Services and/or the County Executive are authorized to amend an agreement with the Boys and Girls Clubs of Erie County, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
912630	Interfund – Detention	<u>\$371,649</u>
	Total Expenditures	<u>\$371,649</u>
407650	State Aid – Child Welfare Services	<u>\$371,649</u>
	Total Revenues	<u>\$371,649</u>

Department of Probation and Youth Detention Services, Department 126

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
500000	Personnel	\$ 9,147
502000	Fringe Benefits @ 25%	3,128
516010	Operation Primetime	<u>359,374</u>
	Total Expenditures	<u>\$371,649</u>
912630	Interfund – Social Services	<u>\$371,649</u>
	Total Revenues	<u>\$371,649</u>

and be it further

RESOLVED, that the following personnel changes are implemented: in Department 12620 the title of Clerk Typist J.G. 1 PT is increased by 275 hours and in Department 12630 the title of Youth Services Planning Assistant PT is changed to Youth Services Planning Assistant RPT and increased by 475 hours, and be it further

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RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Commissioner of the Department of Probation and Youth Detention Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

4. Item Page -2004 (Comm. 15E-34)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Congregate Dining Nutrition Program (III-C-1), the Home Delivered Nutrition Program (III-C-2), the Disease Prevention and Health Promotion (III-D), the Elder Caregiver Support (III-E) and the Elder Abuse Prevention (VII) grants for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the New York State Office for the Aging has notified the Department of Senior Services (Department) of final federal funding allocations, and

WHEREAS, the Department has reviewed the budgets and actual costs of carrying out the programs through the end of each grant's year, and

WHEREAS, the Department desires to extend the technical support agreement to maintain its client tracking software (PDS) with the sole source vendor, SOFTEK Corporation, through December 31, 2004 for an additional \$8,000; and

WHEREAS, other counties in the PDS Consortium will reimburse the department for part of the cost in return for receiving part of the benefits from the PDS technical support vendor SOFTEK Corporation; and

WHEREAS, the County budgets and the related contracts for these grants are in need of revision, and

WHEREAS, no additional County funds are needed.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to amend and increase the contracts with Meals on Wheels of Buffalo and Erie County, Inc. and Southtowns Meals on Wheels, Inc. under III-C-2 grant by \$17,563 and \$3,000, respectively; with SOFTEK Corporation under the III-E grant by \$8,000; and with the American Red Cross under the VII grant by \$8,065, and be it further

RESOLVED, that the budget for the III-C-1 grant, 163III-C-12004, be revised as follows:

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		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411730 Federal Aid-Food & Nutrition	\$1,339,412	<u>\$56,084</u>	\$1,395,496
	TOTAL CHANGE		<u><u>\$56,084</u></u>	
APPROPRIATIONS				
	530000 Other Expenses	\$1,185,679	<u>\$56,084</u>	\$1,241,763
	TOTAL CHANGE		<u><u>\$56,084</u></u>	

and be it further

RESOLVED, that the budget for the III-C-2 grant, 163III-C-22004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411730 Federal Aid-Food & Nutrition	\$803,868	<u>\$20,563</u>	\$824,431
	TOTAL CHANGE		<u><u>\$20,563</u></u>	
APPROPRIATIONS				
	516010 NP Purchases- Meals on Wheels	\$1,397,962	\$17,563	\$1,415,525
	516010 NP Purchases- Southtowns MOWs	20,005	<u>3,000</u>	23,005
	TOTAL CHANGE		<u><u>\$20,563</u></u>	

and be it further

RESOLVED, that the budget for the III-D grant, 163III-D2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411740 Federal Aid-Programs for Aging	\$105,633	<u>\$8,154</u>	\$113,787
	TOTAL CHANGE		<u><u>\$8,154</u></u>	
APPROPRIATIONS				
	530000 Other Expenses	\$8,345	\$4,154	\$12,499
	980000 Interdepartmental Services-DISS	2,500	<u>4,000</u>	6,500
	TOTAL CHANGE		<u><u>\$8,154</u></u>	

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and be it further

RESOLVED, that the budget for the III-E grant, 163III-E2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411740 Federal Aid-Programs for Aging	\$883,259	\$42,315	\$925,574
	TOTAL CHANGE		<u>\$42,315</u>	
APPROPRIATIONS				
	505000 Office Supplies	\$1,500	-\$260	\$1,240
	506200 Repairs & Maintenance	0	260	260
	510000 Local Mileage	5,000	7,000	12,000
	516020 Prof. Services & Fees-PDS Support	0	8,000	8,000
	516020 Prof. Services & Fees-Home Care	150,000	22,990	172,990
	516020 Prof. Services & Fees-Day Care	200,000	11,325	211,325
	561420 Office Furniture & Fixtures	8,400	-7,000	1,400
	TOTAL CHANGE		<u>\$42,315</u>	

and be it further

RESOLVED, that the budget for the VII grant, 163VII2004, be revised as follows:

		CURRENT BUDGET	CHANGES	AMENDED BUDGET
REVENUES				
Account	Description			
	411740 Federal Aid-Programs for Aging	\$36,683	\$8,065	\$44,748
	TOTAL CHANGE		<u>\$8,065</u>	
APPROPRIATIONS				
	516010 NP Purchases-American Red Cross	\$36,683	\$8,065	\$44,748
	TOTAL CHANGE		<u>\$8,065</u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Comptroller's Office, the County Attorney's Office and the Department of Senior Services.

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(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

5. Item Page -2004 (Comm. 15E-35)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Administration Division and the Area Agency on Aging (III-B) grant for the period January 1, 2004 to December 31, 2004, and

WHEREAS, the Department of Senior Services (Department) oversees the various senior programs in Erie County and desires to ensure that outreach efforts reach seniors and caregivers throughout Erie County, and

WHEREAS, the Department has identified Living Prime Time, Inc. as the sole provider of multi-media outreach services for all our senior services via radio, television and print media, and

WHEREAS, the Division of Budget, Management and Finance has identified \$30,000 from cost center 140, account 402190 to transfer to the Senior Services Administrative Division, cost center 1631010, Account 559000, and

WHEREAS, the Department desires to enter into a contract with Living Prime Time, Inc. to provide multi-media outreach to seniors and caregivers of Erie County, for the remainder of 2004, and

WHEREAS, the County budget for the cost centers and the III-B grant are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to transfer \$30,000 from the cost center 140, account 402190 to the Senior Services Interfund Transfer account 559000 for cost center 1631010, and be it further

RESOLVED, that the County Executive be and is hereby authorized to enter into a contract with Living Prime Time, Inc. for \$30,000 for the remainder of 2004, and be it further

RESOLVED, that the budget for the III-B grant 163III-B2004, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
479000	County Share Contribution	\$257,787	\$30,000	\$287,787
	TOTAL CHANGE		<u>\$30,000</u>	

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APPROPRIATIONS

Prof. Svc. Contract & Fees-Living Prime			
516020 Time, Inc.	\$0	<u>\$30,000</u>	\$30,000
TOTAL CHANGE		<u><u>\$30,000</u></u>	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Division of Budget, Management and Finance, the Comptroller’s Office, the County Attorney, and the Department of Senior Services.
 (4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

6. Item Page -2004 (Comm. 15E-36)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has already appropriated funds for the Expanded In-home Services for the Elderly Program (EISEP), the Community Services for the Elderly (CSE), and the Congregate Services Initiative (CSI) grants for the period April 1, 2003 to March 31, 2004, and for the Elder Caregiver Support Grant (III-E) for the period January 1, 2003 to December 31, 2003, and

WHEREAS, the Department has reviewed the budgets, minimum match requirements and actual costs of carrying out the programs’ objectives, and

WHEREAS, the Department desires to allocate unspent funds to benefit the entire case management network by covering all home care and case management costs, and

WHEREAS, the grant budgets are in need of revision.

NOW, THEREFORE, BE IT

RESOLVED, that the EISEP grant budget, Project 163EISEP0304, be revised as follows:

Account	Description	CURRENT BUDGET	CHANGES	AMENDED BUDGET
500000	Personal Services	\$373,740	-\$7,688	\$366,052
502000	Fringe Benefits	\$110,622	-2,500	108,122
505000	Office Supplies	\$3,000	-1,406	1,594
510000	Local Mileage	\$4,500	-682	3,818
530000	Other Expenses	\$9,817	-5,787	4,030
516020	Prof. Service Cont.&Fees-H.C. only	\$1,111,780	20,210	1,131,990
980000	Interdepartment Services DISS	\$11,004	-2,147	8,857
	TOTAL CHANGE		<u><u>\$0</u></u>	

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and be it further

RESOLVED, that the CSE grant budget, Project 163CSE0304, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
APPROPRIATIONS				
Account	Description			
500000	Personal Services	\$118,597	-\$6,000	\$112,597
505000	Office Supplies	\$1,000	\$900	1,900
510000	Local Mileage	\$1,500	-\$900	600
980000	Interdepartment Services DISS	\$10,780	6,000	16,780
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the CSI grant budget, Project 163CSI0304, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
417030	In-Kind Contributions	\$12,166	-\$3,585	\$8581
479000	County Share Contribution	5,080	3,585	8,665
TOTAL CHANGE			<u>\$0</u>	

and be it further

RESOLVED, that the III-E grant budget, Project 163III-E2003, be revised as follows:

		CURRENT		AMENDED
		BUDGET	CHANGES	BUDGET
REVENUES				
Account	Description			
479000	County Share Contribution	\$292,717	-\$3,585	\$289,132
TOTAL CHANGE			<u>-\$3,585</u>	
APPROPRIATIONS				
561410	Lab & Technical Equipment	\$17,380	-\$3,585	\$13,795
TOTAL CHANGE			<u>-\$3,585</u>	

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and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Comptroller's Office, the Division of Budget, Management and Finance and the Department of Senior Services.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

7. Item Page -2004 (Comm. 15E-37)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Senior Services (Senior Services) currently operates the Going Places van system in Erie County, and

WHEREAS, Senior Services seeks to develop a sponsorship plan for its Going Places vehicles to provide a steady source of funds for maintaining and replacing the vehicles, and

WHEREAS, by sponsoring a vehicle, signage will be placed on the vehicle to advertise the sponsor's business, and

WHEREAS, Sponsorship Agreements will conform to the Department's Sponsorship Policy guidelines (attached), and

WHEREAS, Senior Services has determined that it can receive \$3,600 annually per vehicle from the sponsor and \$400.00 per year for any sponsor-initiated modifications (maximum of three changes per year) made to signage during the sponsorship period, and

WHEREAS, Senior Services will enter into a contract with those businesses willing to pay the sponsorship fee for the agreed upon timeframe of the sponsorship, and

WHEREAS, Senior Services will contract with Vinyl Signz during the pilot program timeframe to create and design the necessary sponsorship logos, and

WHEREAS, Vinyl Signz will not charge Senior Services or Erie County for the logo and sponsorship design and implementation as the costs will be borne by the sponsoring business, and

WHEREAS, Senior Services will allow Vinyl Signz to place its own signage on one vehicle for use as a demonstration vehicle in obtaining sponsorships, and

WHEREAS, Senior Services wishes to begin this initiative as a pilot project for the remainder of 2004 and the 2005 calendar year, and

WHEREAS, Senior Services desires the proceeds from sponsorship be maintained in a separate account to be used solely for maintenance and replacement of the Going Places vans in order to ensure continuance of needed transportation services to seniors throughout Erie County.

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NOW, THEREFORE, BE IT

RESOLVED, that the County Legislature hereby authorizes the County Executive to initiate the pilot sponsorship program and to establish the sponsorship fees for the Going Places vehicles as follows:

Initial signage	\$3,600 annually, 300 monthly
Signage modification	\$ 400 per year, maximum of three changes per year
and be it further	

RESOLVED, that the County Executive is hereby authorized to enter into a contract with each sponsor, and with Vinyl Signz pursuant to the Department’s Sponsorship Policy, and be it further

RESOLVED, that the County Executive is hereby authorized to use one vehicle with Vinyl Signz signage for demonstration in obtaining sponsorships, and

RESOLVED, that the budget for the pilot sponsorship program be established in fund 110, business area 163, as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
466130	Other Unclassified Revenue	\$36,000
	TOTAL REVENUE	<u>\$36,000</u>
APPROPRIATIONS		
506200	Maintenance & Repairs	\$10,000
561440	Motor Vehicles	26,000
	TOTAL APPROPRIATIONS	<u>\$36,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive’s Office, the Comptroller’s Office, the Division of Budget, Management and Finance, the County Attorney and the Department of Senior Services.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

8. Item Page -2004 (Comm. 15E-38)

COUNTY EXECUTIVE

WHEREAS, the Department of Social Services has issued an annual Request for Proposals (RFP) and has selected providers for its Employee Education and Training Program pursuant to

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Section 19.08 of the Erie County Administrative Code, and has responses and the evaluation and selection material available, and

WHEREAS, the Department of Social Services must have Legislative approval to renew Employee Education and Training Program contracts, and

WHEREAS, these contracts will allow for employees of the Department of Social Services to upgrade their professional knowledge and skills thereby benefiting the operations of the Department, and

WHEREAS, no additional County funds are required since the 2004 Adopted Budget of the Erie County Department of Social Services has an existing appropriation in Account 530000, Other Expenses or Charges, sufficient to cover the Employee Education and Training Program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Department of Social Services, is hereby authorized to renew the Employee Education and Training Program contracts as specified below:

<u>Educational Institution</u>	<u>Period</u>	<u>Gross Contract</u>	<u>Institution's Contribution</u>	<u>Paid by ECDSS</u>
Buffalo State College (CDHS) (Master's/ Bachelor's Degrees)	9/1/04-8/31/05	\$797,875	\$287,236	\$510,639
Buffalo State College (CDHS) (In-service Training and Organizational Development)	9/1/04-8/31/05	\$1,468,160	\$528,538	\$939,622
Empire State College (Bachelor's/Associate's Degrees in Business/ Community and Human Services)	9/1/04-8/31/05	\$390,110	\$140,440	\$249,670
Empire State College (In-Service)	9/1/04-8/31/05	\$632,360	\$202,355	\$430,005

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Training)

SUNY-Millard Fillmore College (Bachelor's Degrees in Business and Human Services)	8/30/04- 8/29/05	\$159,230	\$55,731	\$103,499
SUNYAB - School of Social Work (Master's of Social Work & Certificate in Trauma Studies)	9/1/04- 8/31/05	\$355,194	\$124,318	\$230,876
SUNYAB Institute for Addictions Studies and Training (In-Service Training)	10/1/04- 9/30/05	\$254,548	\$89,092	\$165,456
Erie Community College (In-Service Training)	10/1/04- 9/30/05	\$265,483	\$95,574	\$169,909

and be it further

RESOLVED, that the source of funds for the above contract renewals is available in an existing appropriation in the 2004 Adopted Budget of the Department of Social Services in Account 530000, Other Expenses or Charges, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Department of Social Services, the Office of the Erie County Comptroller and the Division of Budget, Management and Finance.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

9. Item Page -2004 (Comm. 15E-39)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature authorized the acceptance of a grant award from the New York State Health Department in the amount of \$1,050,265 on December 11, 2003, Comm. 25E-14, and

WHEREAS, it is necessary to make budgetary adjustments in order to balance the accounts within SAP, and

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WHEREAS, sufficient funds are available through a transfer within the accounts of the program.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to accept the revised budget as follow:

PUBLIC HEALTH PREP & RESPONSE TO BIOTERRORISM
08/1/03- 8/31/04
HS127BT0304

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
405050	STATE AID - HRI	\$1,050,265	\$0	\$1,050,265
416500	PRIOR YEAR ROLL OVER	56,000	0	56,000
418080	BIO - OTHER COUNTIES	<u>221,880</u>	<u>0</u>	<u>221,880</u>
	TOTAL	<u>\$ 1,328,145</u>	<u>\$0</u>	<u>\$1,328,145</u>
EXPENSES				
500000	SALARIES	\$ 353,375	\$-51,380	\$ 301,995
501000	OVERTIME	18,000	10,000	28,000
502000	FRINGE BENEFITS	130,007	-34,521	95,486
505000	OFFICE SUPPLIES	8,000	400	8,400
505200	CLOTHING SUPPLIES	40,000	1,504	41,504
505400	FOOD SUPPLIES	4,450	11,550	16,000
505800	MEDICAL SUPPLIES	25,000	14,299	39,299
506200	MAINT & REPAIRS	1,500	879	2,379
510000	LOCAL MILEAGE	5,000	5,000	10,000
510100	OUT OF AREA	68,250	-33,250	35,000
510200	TRAINING & EDUCATION	3,000	15,963	18,963
516010	CONTRACTUAL PAYMNTS	312,056	-86,411	225,645
516020	PRO SER CNT & FEES	30,800	15,230	46,030
516030	MAINT CONTRACTS	0	1,500	1,500
530000	OTHER EXPENSES	44,280	5,398	49,678
545000	RENTAL CHARGES	1,500	5,500	7,000
561410	LAB & TECH EQUIP	108,488	93,090	201,578
561420	OFFICE FURN & FIXT	1,093	7,706	8,799
561440	MOTOR VEHICLES	20,000	15,854	35,854

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912700	ID HEALTH SERVICES	80,000	0	80,000
912720	ID HEALTH EMS SERV	17,142	0	17,142
912730	ID HEALTH LAB SERV	19,954	0	19,954
	COST CENTER BUILDING			
122 2040	MAINTENANCE	0	20,589	20,589
980000	ID SERVICES - DISS	<u>36,250</u>	<u>-19,400</u>	<u>16,850</u>
	TOTAL	<u>\$ 1,328,145</u>	<u>\$0</u>	<u>\$1,328,145</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

10. Item Page -2004 (Comm. 15E-41)

COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department has a contract with the New York State Department of Health to conduct an Enhanced Drinking Water Protection Program, and

WHEREAS, the Erie County Health Department has received a revised grant award in the amount of \$250,000 from the New York State Health Department which authorizes budgetary adjustments and extends the grant year until 3/31/05.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to accept the revised grant award from the New York State Department of Health for providing a Local Enhanced Drinking Water Protection Program Grant to be budgeted as follows:

Department of Health
Enhanced Drinking Water Protection Program
4/1/03 – 3/31/05
Project #855

		CURRENT	CHANGES	REVISED
SAP REVENUE		BUDGET		BUDGET
409000	State Aid Revenue	\$ 250,000	\$ 0	\$ 250,000
	TOTALS	<u>\$ 250,000</u>	<u>\$ 0</u>	<u>\$ 250,000</u>

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EXPENSES				
500000	Personal Services	\$ 168,790	\$ -2,712	\$ 166,078
502000	Fringe Benefits	50,149	-16,460	33,689
516020	Dues & Fees	0	129	129
510100	Out Of Area Travel	4,000	-2,621	1,379
516020	Contractual	12,144	0	12,144
561410	Lab & Tech Equipment	14,917	21,664	36,581
	TOTALS	<u>\$ 250,000</u>	<u>\$0</u>	<u>\$ 250,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Erie County Department of Health, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

11. Item Page -2004 (Comm. 15E-42)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health provides medical services at the Youth Detention Center under an agreement with the Department of Probation and Youth Detention Services, and

WHEREAS, in order to comply with New York State staffing mandates for 24 hour per day, seven days per week coverage, it is necessary to increase the nursing staff at the Youth Detention Center, and

WHEREAS, it is necessary to create six part-time positions of Registered Nurse, JG N1, and

WHEREAS, the cost of medical services is reimbursed by the Department of Probation & Youth Detention Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the following transactions within the accounts of the Departments of Health and Probation & Youth Detention Services:

Department of Health

Increase Account 500000 Salary	\$53,826
Increase Account 502000 Fringe Benefits	\$ 6,093
Increase Account 912700 Interfund	\$-59,919

Department of Probation & Youth Detention Services

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Increase Account 912700 Interfund	\$59,919
Increase Account 407610 State Aid	\$29,960
Decrease Account 516020 Contract Services	\$-29,959

and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the creation of six Part-Time Registered Nurse, JG N 1, positions.

The following personnel detail is hereby submitted:

TITLE: Registered Nurse – Part Time	FUNDING: Dept. of Prob/Youth Det.
JG: N 1	CIVIL SERVICE: Yes Non-Competitive
STEP: 1	CIVIL SERVICE LIST: No
HOURLY RATE: \$16.312	

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, the Department of Probation and Youth Detention Services and the Department of Law.
 (4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

12. Item Page -2004 (Comm. 15E-46)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning administers Housing Programs for low/moderate income homeowners on behalf of the Erie County Community Development Block Grant Consortium and HOME Investment Partnership Consortium; and

WHEREAS, the federal Department of Housing and Urban Development has issued regulations pertaining to lead-based paint hazards in housing units assisted with federal funds; and

WHEREAS, said regulations were effective September 15, 2000 and require a variety of lead-based paint hazard assessments and clearance tests by federally certified inspectors on all housing units participating in the Erie County Housing Programs,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into a lead-based paint hazard inspection agreement for an amount not to exceed \$104,000, with Stohl Environmental, LLC, funds being available in the Federal Community Development Block Grant and the HOME Investment Partnership Programs; and be it further

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RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Commissioner of the Department of Health; and the County Comptroller.
 (4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

13. Item Page -2004 (Comm. 15E-52)
COUNTY EXECUTIVE

WHEREAS, the New York State Division of Veterans' Affairs has made available a \$10,240.00 grant to the Erie County Division of Veterans' Services for the period of April 1, 2003 through March 31, 2004 from State Fiscal Year 2003 – 2004 Funds; and

WHEREAS, the Erie County Division of Veterans' Services desires to use said grant for veterans' counseling services; and

WHEREAS, said grant shall be disbursed following the submission of a standard New York State voucher by the Erie County Office of Veterans' Services to the New York State Comptroller.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Office of Veterans Services, be and hereby is authorized to accept the grant from the New York State Division of Veterans' Affairs for the provision of veterans' counseling services; and be it further

RESOLVED, that the following budgetary transactions are authorized in order to establish said grant:

Office of Veterans Services
New York State Division of Veterans' Affairs Grant

Revenue

SAP 407740 – State Aid	\$10,240
TOTAL	\$10,240

Appropriations

SAP 500000 – Personal Services	\$ 9,070
SAP 502000 – Fringe Benefits	<u>1,170</u>
TOTAL	\$10,240

and be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Law, and the Office of Veterans' Services.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

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14. Item Page -2004 (Intro. 15-11)
SMITH

WHEREAS, on March 1, 2004, Assembly Speaker Sheldon Silver announced the Assembly passed legislation aimed at lifting the minimum wage during the coming years to \$7.10 per hour by 2006, and

WHEREAS, this legislation would raise New York's minimum hourly wage incrementally from \$5.15 to \$7.10 as of January 1, 2006. The initial raise to \$6.00 per hour would be effective October 1, 2004. The next increase would be to 6.75 per hour, effective July 1, 2005, and

WHEREAS, the Assembly Speaker stated: "There are tens of thousands of New Yorkers who toil and struggle everyday to make ends meet, despite being employed. The state's failure to institute a minimum wage that lifts families out of poverty has only moved those ends further apart. Continued failure to address this issue will only exacerbate the challenges New York already faces in areas such as education, health care and unemployment," and

WHEREAS, a 1997 amendment to the Fair Labor Standards Act of 1938 increased the federal minimum wage to \$5.15 per hour. Prior to this increase, the minimum wage had been \$4.75 per hour, effective October 1, 1996, and \$4.25 per hour, effective April 1, 1991, and

WHEREAS, the most recent amendment to the New York State Minimum Wage Act, effective March 31, 2000 provides that all employees in the State, including domestic workers with certain exceptions, must be paid at least \$5.15 per hour, and

WHEREAS, New York State generally adhered to the federal minimum wage standard. However, the two rates have varied in the past. The State minimum exceeds that federal standard from 1967 to 1968 and again from 1970 to 1974. Most recently, the State minimum fell short of the Federal standard when the state failed to match the federal increases in 1996 and 1997. As a result, the State minimum was below the federal rate until 2000. At this time, New York also linked its minimum wage to the federal minimum wage so that any future increases in the federal rate would automatically result in an increase in the State rate, and

WHEREAS, one in seven, or 14.5 percent of New York State families and approximately three in ten families, or 29.2 percent, with a female head of household are in poverty, and

WHEREAS, the annual income gap between full-time minimum wage in New York State and the federal poverty threshold has steadily risen, and

WHEREAS, if the 1968 New York State minimum wage of \$1.50 had been indexed to inflation, it would have climbed to \$8.72 in 2003. This would have provided \$7,425 in additional income for a full-time worker, and

WHEREAS, states with higher minimum wages on average have lower employment and several studies conclude that raising the minimum wages does not significantly affect employment levels, and

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WHEREAS, A.9710 passed the State Assembly on March 1, 2004 by a vote of 129-19,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Fair Minimum Wage Act (A.9710) and urges the New York State Senate to pass companion legislation and the Governor to sign said legislation into law, and be it further

RESOLVED, that this Honorable Body expresses its support for all New Yorkers to have a livable wage and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, Assembly Speaker, Majority Leader of the Senate, and the local state delegation.

Fiscal Impact: Not known at this time.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

15. Item Page -2004 (Intro. 15-12)

SMITH

WHEREAS, since 1986, several new state laws have been enacted to improve the formula used to compute school year service for Tier 2, 3, and 4 members who work in schools, community colleges, and institutions, and

WHEREAS, Tier 2, 3, and 4 members who work full-time for the entire school year now receive a full year of service credit, with full-time defined as working at least six hours per day, with the employer determining how many hours constitutes a full day, and with the number of days that constitute a full year varying, and

WHEREAS, employees who work in schools, BOCES educational facilities and certain New York State institutions are granted a full year service credit for working the entire school year. A full school year is 180 days. If an individual works less than a full year, his/her service credit is prorated by dividing the total days worked by 180, and

WHEREAS, 24 Registered Professional Nurses that work in the Buffalo School District as school nurses but who are paid by and considered employees of the County of Erie are ten month employees that are active members of the New York State Retirement System, but who, under the current law, receive only .85 per year of service credit towards their retirement, and

WHEREAS, all other school district employees who work a ten month school year can receive full credit, and

WHEREAS, Chapter 730 of the Laws of 1989 authorize the New York State and Local Employees Retirement System to calculate retirement service credit for non-instructional employees of school districts using an 180 credit day base and

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WHEREAS, however, that legislation does not apply to the calculation of retirement services of credit for County Employees who work in schools, and

WHEREAS, there is no provision under current law which would authorize the crediting of a full year of service for county employees who work at schools during a ten-month school year,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for Assembly Bill A9209 which would amend the current law providing these county employees who work in the schools credit for service on a school year basis, entitling them to a full year of credit per school year worked, and be it further

RESOLVED, that this Honorable Body requests that the State Assembly approve A9209 and that the State Senate adopt companion legislation and the Governor sign said legislation into law, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Speaker of the New York State Assembly, President of the New York State Senate, the Governor, the local delegation of the State Legislature, and New York State Nurses Association (Lola M. Fehr, 4560 Bailey Avenue, Amherst NY 14226).

Fiscal Impact: Not known at this time.

(4-0) Legislators Cusack and DeBenedetti absent. Chairman Holt present as Ex-Officio Member.

DEMONE A. SMITH
CHAIRMAN

MR. SMITH moved to separate item #14 (Intro. 15-11) and moved the approval of the balance of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MR. SMITH moved the approval of item #14. MS. MARINELLI seconded.
LEGISLATORS MARSHALL and RANZENHOFER in the negative.

CARRIED (13-2).

Item 23 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTON NO. 305

July 6, 2004

PURCHASING AD HOC
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT, EXCEPT LEGISLATORS DEBENEDETTI & WROBLEWSKI.

ALL ITEMS ARE HEREBY TABLED.

GEORGE A. HOLT, JR.
CHAIRMAN

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 24 – MR. WROBLEWSKI presented the following resolution and moved for immediate consideration. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTON NO. 306

July 6, 2004

COMMUNITY ENRICHMENT
COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT. CHAIRMAN HOLT PRESENT AS EX-OFFICIO MEMBER.

ALL ITEMS ARE HEREBY TABLED.

TIMOTHY M. WROBLEWSKI
CHAIRMAN

MR. WROBLEWSKI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

LEGISLATORS RESOLUTIONS

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 307

Re: Consideration for Public Benefit
 Funding. (Intro. 16-1)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Keep American Beautiful Inc.	\$ 300	WROBLEWSKI
Town of Cheektowaga	\$ 1,500	WROBLEWSKI
TOTAL	\$ 1,800	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 308

Re: Transfer of Public Benefit Funds.
(Intro. 16-2)

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$999,140 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
82nd Airborne Division Association, Inc.- Niagara Chapter	\$1,500	DUSZA
Akron Chamber of Commerce, Inc.	\$3,000	RANZENHOFER
Akron Little League Football, Inc. (Akron Sports)	\$1,650	RANZENHOFER
Alexander Hamilton Playground Fund	\$5,000	CUSACK
American Legion Band of the Tonawanda's, Inc.	\$3,000	SWANICK
American Red Cross, Greater Buffalo Chapter	\$4,483	CUSACK and DUSZA
Amherst Community Foundation	\$3,000	RANZENHOFER
Amherst Police Department	\$2,000	CUSACK
Amherst Septuicentennial Committee, Inc.(dba Amherst Heritage Committee)	\$2,000	CUSACK and WEINSTEIN
Amherst Town Court	\$8,000	CUSACK, RANZENHOFER, and WEINSTEIN
Arts Council in Buffalo and Erie County	\$7,500	MARINELLI, CUSACK and WEINSTEIN
Aurora Waldorf School	\$3,000	MCCARVILLE
Big Tree Volunteer Fire Company, Inc.	\$2,000	KUWIK
Black Rock- Riverside Emergency Food Pantry	\$4,100	DEBENEDETTI
Black Rock- Riverside Neighborhood Housing Services, Inc.	\$9,000	DEBENEDETTI
Blossom Garden Friends School	\$3,500	MCCARVILLE
Boy Scouts of America NTL Council- Troop 665	\$1,000	DUSZA

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Boys and Girls Club of East Aurora	\$5,000	MCCARVILLE
Boys and Girls Club of Orchard Park, Inc.	\$5,000	MCCARVILLE
Boys and Girls Clubs of Buffalo, Inc.	\$10,000	CUSACK
Boys and Girls Clubs of Buffalo, Inc.	\$5,000	DEBENEDETTI
Buffalo Fire Department- E.M Cotter Fire Boat	\$1,000	SCHROEDER
Buffalo Fire Historical Society	\$500	DUSZA
Buffalo Green Fund, Inc.	\$500	DUSZA
Buffalo Music Hall of Fame, Inc.	\$9,500	SWANICK
Buffalo Olmsted Parks Conservatory, Inc.	\$24,000	MARINELLI and SMITH
Buffalo Visitation R.C. Church Society	\$1,500	DUSZA
Can You Dig It, Inc.	\$11,200	SCHROEDER
Carnegie-Scranton Recreation Association, Inc.	\$3,000	KUWIK
Central Amherst Little League, Inc.	\$5,000	CUSACK
Children's Rehabilitation Foundation of the Variety Club of Buffalo, Inc.	\$4,000	WROBLEWSKI
Citizen's Alliance, Inc.	\$5,000	SMITH
City of Lackawanna (Department of Public Works)	\$15,000	KUWIK
City of Tonawanda Community Development Agency	\$14,000	SWANICK
Clarence Hollow Merchants Association, Inc.	\$3,000	RANZENHOFER
Clarence Newstead Meals on Wheels Task Force, Inc.	\$3,000	RANZENHOFER
Clarence Soccer Club, Inc.	\$3,000	RANZENHOFER
Cleveland Hill Fire District No. 6	\$3,000	CUSACK
Depew- Lancaster Boys and Girls Club, Inc.	\$2,500	DUSZA
Doyle Volunteer Hose Company No. 2, Inc.	\$1,000	SCHROEDER
Drums Along the Waterfront	\$11,000	RANZENHOFER, CHASE, CUSACK, MCCARVILLE, WEINSTEIN, and MARSHALL
East Eden Fire Company, Inc.	\$4,000	CHASE
Ellwood Fire District No. 1	\$15,000	MARINELLI
Elma Primary PTO	\$25,000	MARSHALL
Erie County Fire Chiefs Mutual Aid Organization, Inc.	\$2,000	SWANICK
Excalibur Leisure Skills Center, Inc.	\$4,400	DEBENEDETTI, MARINELLI, and WROBLEWSKI
Excalibur Leisure Skills Center, Inc.	\$10,700	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK and WEINSTEIN
Fillmore- Leroy Area Residents, Inc.	\$3,500	SMITH

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Firemen's Memorial Exhibit Center of W.N.Y., Inc.	\$1,000	WEINSTEIN
Food Bank of WNY	\$1,000	WEINSTEIN
Forever Elmwood Corporation	\$5,500	MARINELLI
Forks Fire District No.3	\$2,500	DUSZA
Frank L. Gierlach Post No. 1320 of the American Legion, Inc.	\$1,000	SCHROEDER
Friends of Schoolhouse # 8, Inc.	\$1,000	CHASE
Friends of the Woods, Limited	\$1,500	DUSZA
General Pulaski Association of the Niagara Frontier, Inc.	\$15,000	DUSZA, SCHROEDER, and WROBLEWSKI
Gowanda Volunteer Fire Company, Inc.	\$3,000	MCCARVILLE
Grand Island Central School District	\$4,000	SWANICK
Grand Island Fire Company, Inc.	\$2,700	SWANICK
Graycliff Conservancy, Inc.	\$5,000	CUSACK
Group Ministries, Inc. (All Pro Hoops)	\$1,000	DUSZA
Hamburg Breakers Girls Softball and Sports Association, Inc.	\$500	CHASE
Hamburg Central School District (Boston Valley School)	\$5,000	CHASE
Hamburg Chamber of Commerce	\$6,000	CHASE and KUWIK
Hamburg Development Corporation	\$2,500	KUWIK
Hamburg Lakeshore Overseas Veterans, Inc.	\$5,000	CHASE
Hamburg Municipal Hockey Association, inc.	\$3,000	KUWIK
Hamburg Post #527of the American Legion	\$2,000	CHASE
Holy Cross Head Start, Inc.	\$1,000	DEBENEDETTI
Holy Mother of the Rosary Cathedral	\$1,000	DUSZA
Hy- View Fire District No. 8	\$2,500	DUSZA
Kenilworth Fire District No. 2	\$20,000	MARINELLI
Kenmore- Town of Tonawanda Union Free School District	\$4,600	SWANICK
Kenmore-Town of Tonawanda Union Free School District (Edison Elementary)	\$5,000	CUSACK
Kenmore-Town of Tonawanda Union Free School District (Roosevelt Elementary School)	\$3,000	SWANICK
L.K. Painter Community Center, Inc.	\$6,000	MCCARVILLE
Lackawanna Food Pantry	\$1,500	KUWIK
Lackawanna Little Loop Football, Inc.	\$3,000	KUWIK
Lackawanna Yemen Soccer Club, Inc.	\$3,000	KUWIK
Lake View Athletics, Inc.	\$2,000	CHASE
Lakeshore Association of Christian Churches (Operation Good Neighbor)	\$5,000	CHASE
Landmark Society of the Niagara Frontier	\$6,000	MARSHALL
Lawton's Volunteer Fire Company, Inc.	\$2,000	CHASE
Leonard Post Jr. Post No. 6251, Inc.	\$1,000	DUSZA
Literacy Volunteers of America/ Buffalo and Erie County, Inc.	\$5,000	MARINELLI, DEBENEDETTI,

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		and SMITH
Little League Baseball, Inc (Lakeshore)	\$3,000	KUWIK
Los Tainos Citizens Center, Inc.	\$15,000	DEBENEDETTI
Marilla Fire Company, Inc.	\$5,000	MARSHALL
Metro Community Development Corporation	\$20,000	SMITH
National Inner Cities Youth Opportunities	\$5,000	SMITH
Neighborhood Information Center, Inc.	\$10,000	DUSZA
New York District Kiwanis Foundation, Inc.	\$3,000	WROBLEWSKI
Newstead Public Library	\$1,200	RANZENHOFER
North Amherst Volunteer Fire Company, Inc.	\$7,500	WEINSTEIN
North Buffalo Community Development Corp.	\$20,000	MARINELLI
North Haven Therapeutic Riding Aquatic Center, Inc.	\$1,000	MCCARVILLE
Northwest Buffalo Community Center	\$116,200	DEBENEDETTI
Orchard Park Chamber of Commerce, Inc.	\$4,000	MCCARVILLE
Orchard Park Council of the Arts, Inc.	\$1,500	MCCARVILLE
Overseas Veterans of Evans, Inc. (Post No. 5798)	\$5,000	CHASE
Patchin Fire Company	\$5,000	CHASE
Pine Hill Fire District No. 5	\$2,500	DUSZA
Police Athletic League of Buffalo- Lincoln Field Community Center	\$200	KUWIK
Polish Community Center of Buffalo, Inc.	\$2,000	KUWIK
Precious Blood Parish	\$1,500	DUSZA
Seneca Babcock Community Association, Inc.	\$3,000	SCHROEDER
South Buffalo Community Association, Inc.	\$35,750	SCHROEDER
South Buffalo Education Center, Inc.	\$14,000	SCHROEDER
Southtowns Meals on Wheels, Inc.	\$6,000	CHASE, MARSHALL, and MCCARVILLE
Springville Center for the Arts, Inc.	\$2,000	MCCARVILLE
St. Agnes (Life Teen)	\$2,200	SCHROEDER and DUSZA
St. Ambrose School	\$1,000	SCHROEDER
St. Bonaventure's Roman Catholic Church Society of West Seneca New York	\$1,500	WROBLEWSKI
St. Josaphat's Outreach Center and Food Pantry	\$2,000	DUSZA
St. Martin's Roman Catholic Church	\$1,000	SCHROEDER
St. Phillip The Apostle	\$3,000	DUSZA
St. Phillips Community Center, Inc.	\$3,500	SMITH
St. Thomas Aquinas Roman Catholic Church	\$1,000	SCHROEDER
Suburban Adult Services Foundation, Inc.	\$2,500	MCCARVILLE
Suicide Prevention Crisis Service, Inc.	\$1,434	WEINSTEIN
Summit Educational Resources	\$5,000	SWANICK
Sweet Home Central School District (Heritage Heights Elementary)	\$2,500	CUSACK
The Buffalo Workforce Development Center, Inc.	\$1,000	MARINELLI

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The Classic Dance Company of W.N.Y Inc.	\$1,000	DEBENEDETTI
The New Refuge House, Inc.	\$1,000	DEBENEDETTI
The Puerto Rican Day Parade of WNY Association, Inc.	\$5,000	DEBENEDETTI
The Salvation Army	\$2,000	SWANICK
The Woodlawn Community Revitalization Corporation	\$3,500	KUWIK
Town of Amherst (Rodent Control)	\$1,000	WEINSTEIN
Town of Amherst (Senior Center)	\$5,000	WEINSTEIN
Town of Alden	\$8,000	MARSHALL
Town of Amherst (Bocce Ball Courts)	\$1,000	WEINSTEIN
Town of Amherst (Police Department)	\$6,000	RANZENHOFER, CUSACK and WEINSTEIN
Town of Amherst (Rodent Control)	\$1,000	CUSACK
Town of Amherst (Senior Center)	\$5,000	CUSACK
Town of Aurora	\$3,500	MCCARVILLE
Town of Aurora (East Aurora Senior Center)	\$2,500	MCCARVILLE
Town of Cheektowaga (Dartwood Park)	\$7,500	WROBLEWSKI
Town of Cheektowaga (K-9 Corps)	\$3,000	DUSZA and SCHROEDER
Town of Cheektowaga (Police Cops in Shops Program)	\$2,500	DUSZA
Town of Cheektowaga (Senior Center)	\$7,500	DUSZA, SCHROEDER, and WROBLEWSKI
Town of Cheektowaga (Town Supervisor's Office)	\$3,500	DUSZA
Town of Eden (Recreation Department)	\$5,000	CHASE
Town of Grand Island (Golden Age Center)	\$500	SWANICK
Town of Hamburg	\$18,823	CHASE
Town of Hamburg D.A.R.E.	\$10,000	KUWIK
Town of Lancaster (Town Supervisor's Office)	\$2,500	DUSZA
Town of Orchard Park Police Department	\$3,000	MCCARVILLE
Town of West Seneca	\$10,000	WROBLEWSKI
Town of West Seneca (Office of Disaster Preparedness)	\$9,000	WROBLEWSKI
U-Crest Fire District No.4	\$2,500	DUSZA
Ujima Company, Inc.	\$3,500	SMITH
United Irish American Association of Erie County, Inc.	\$3,000	CHASE, CUSACK, MCCARVILLE, and WEINSTEIN
University Heights Community Development Association, Inc.	\$18,000	MARINELLI
Vietnam Veterans of America, Inc.- Chapter 77	\$3,000	SWANICK
Village of Akron	\$1,000	RANZENHOFER
Village of Depew Fire Department	\$3,000	DUSZA
Village of Depew- Justice Court	\$1,500	DUSZA
Village of Depew Mayor's Office	\$2,500	DUSZA
Village of Depew- Senior Citizens Organization	\$1,500	DUSZA

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Village of Depew-Police Department	\$2,500	DUSZA
Village of East Aurora	\$5,000	MCCARVILLE
Village of Farnham	\$5,000	CHASE
Village of Gowanda (Recreation Department)	\$10,000	MCCARVILLE
Village of Hamburg	\$2,000	CHASE
Village of Kenmore	\$30,000	SWANICK
Village of Williamsville	\$5,000	WEINSTEIN
West Seneca Girls Softball	\$3,500	WROBLEWSKI
West Seneca Youth Bureau/ Americorps	\$12,000	SCHROEDER
West Side Little League Football Club, Inc.	\$5,000	DEBENEDETTI
West Side Neighborhood Housing Services, Inc.	\$10,000	DEBENEDETTI
William Street Taxpayers Association	\$2,500	DUSZA AND SCHROEDER
YMCA of Buffalo and Erie County	\$2,000	MARINELLI
YMCA of Greater Buffalo (Southtowns)	\$6,000	CHASE, MCCARVILLE, and WROBLEWSKI
TOTAL	\$999,140	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the Resolution in its entirety and replace with the following:

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

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WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$997,140 from the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSOR</u>
82nd Airborne Division Association, Inc.- Niagara Chapter	\$1,500	DUSZA
Akron Chamber of Commerce, Inc.	\$3,000	RANZENHOFER
Akron Little League Football, Inc. (Akron Sports)	\$1,650	RANZENHOFER
Alexander Hamilton Playground Fund	\$5,000	CUSACK
American Legion Band of the Tonawanda's, Inc.	\$3,000	SWANICK
American Red Cross, Greater Buffalo Chapter	\$4,483	CUSACK and DUSZA
Amherst Community Foundation	\$3,000	RANZENHOFER
Amherst Police Department	\$2,000	CUSACK
Amherst Septuicentennial Committee, Inc.(dba Amherst Heritage Committee)	\$2,000	CUSACK and WEINSTEIN
Amherst Town Court	\$8,000	CUSACK, RANZENHOFER, and WEINSTEIN
Arts Council in Buffalo and Erie County	\$7,500	MARINELLI, CUSACK and WEINSTEIN
Aurora Waldorf School	\$3,000	MCCARVILLE
Big Tree Volunteer Fire Company, Inc.	\$2,000	KUWIK
Black Rock- Riverside Emergency Food Pantry	\$4,100	DEBENEDETTI
Black Rock- Riverside Neighborhood Housing Services, Inc.	\$9,000	DEBENEDETTI
Blossom Garden Friends School	\$3,500	MCCARVILLE
Boy Scouts of America NTL Council- Troop 665	\$1,000	DUSZA
Boys and Girls Club of East Aurora	\$5,000	MCCARVILLE
Boys and Girls Club of Orchard Park, Inc.	\$5,000	MCCARVILLE
Boys and Girls Clubs of Buffalo, Inc.	\$10,000	CUSACK
Boys and Girls Clubs of Buffalo, Inc.	\$5,000	DEBENEDETTI
Buffalo Fire Department- E.M Cotter Fire Boat	\$1,000	SCHROEDER
Buffalo Fire Historical Society	\$500	DUSZA
Buffalo Green Fund, Inc.	\$500	DUSZA

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Buffalo Music Hall of Fame, Inc.	\$9,500	SWANICK
Buffalo Olmsted Parks Conservatory, Inc.	\$24,000	MARINELLI and SMITH
Buffalo Visitation R.C. Church Society	\$1,500	DUSZA
Can You Dig It, Inc.	\$11,200	SCHROEDER
Carnegie-Scranton Recreation Association, Inc.	\$3,000	KUWIK
Central Amherst Little League, Inc.	\$5,000	CUSACK
Children's Rehabilitation Foundation of the Variety Club of Buffalo, Inc.	\$4,000	WROBLEWSKI
Citizen's Alliance, Inc.	\$5,000	SMITH
City of Lackawanna (Department of Public Works)	\$15,000	KUWIK
City of Tonawanda Community Development Agency	\$14,000	SWANICK
Clarence Hollow Merchants Association, Inc.	\$3,000	RANZENHOFER
Clarence Newstead Meals on Wheels Task Force, Inc.	\$3,000	RANZENHOFER
Clarence Soccer Club, Inc.	\$3,000	RANZENHOFER
Cleveland Hill Fire District No. 6	\$3,000	CUSACK
Depew- Lancaster Boys and Girls Club, Inc.	\$2,500	DUSZA
Doyle Volunteer Hose Company No. 2, Inc.	\$1,000	SCHROEDER
Drums Along the Waterfront	\$11,000	RANZENHOFER, CHASE, CUSACK, MCCARVILLE, WEINSTEIN, and MARSHALL
East Eden Fire Company, Inc.	\$4,000	CHASE
Ellwood Fire District No. 1	\$15,000	MARINELLI
Elma Primary PTO	\$25,000	MARSHALL
Erie County Fire Chiefs Mutual Aid Organization, Inc.	\$2,000	SWANICK
Excalibur Leisure Skills Center, Inc.	\$4,400	DEBENEDETTI, MARINELLI, and WROBLEWSKI
Excalibur Leisure Skills Center, Inc.	\$10,700	RANZENHOFER, CHASE, CUSACK, MARSHALL, MCCARVILLE, SWANICK and WEINSTEIN
Fillmore- Leroy Area Residents, Inc.	\$3,500	SMITH
Firemen's Memorial Exhibit Center of W.N.Y., Inc.	\$1,000	WEINSTEIN
Food Bank of WNY	\$1,000	WEINSTEIN
Forever Elmwood Corporation	\$5,500	MARINELLI
Forks Fire District No.3	\$2,500	DUSZA
Frank L. Gierlach Post No. 1320 of the American Legion, Inc.	\$1,000	SCHROEDER
Friends of Schoolhouse # 8, Inc.	\$1,000	CHASE
Friends of the Woods, Limited	\$1,500	DUSZA

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General Pulaski Association of the Niagara Frontier, Inc.	\$15,000	DUSZA, SCHROEDER, and WROBLEWSKI
Gowanda Volunteer Fire Company, Inc.	\$3,000	MCCARVILLE
Grand Island Central School District	\$4,000	SWANICK
Grand Island Fire Company, Inc.	\$2,700	SWANICK
Graycliff Conservancy, Inc.	\$5,000	CUSACK
Group Ministries, Inc. (All Pro Hoops)	\$1,000	DUSZA
Hamburg Breakers Girls Softball and Sports Association, Inc.	\$500	CHASE
Hamburg Central School District (Boston Valley School)	\$5,000	CHASE
Hamburg Chamber of Commerce	\$6,000	CHASE and KUWIK
Hamburg Development Corporation	\$2,500	KUWIK
Hamburg Lakeshore Overseas Veterans, Inc.	\$5,000	CHASE
Hamburg Municipal Hockey Association, inc.	\$3,000	KUWIK
Hamburg Post #527 of the American Legion	\$2,000	CHASE
Holy Cross Head Start, Inc.	\$1,000	DEBENEDETTI
Holy Mother of the Rosary Cathedral	\$1,000	DUSZA
Hy- View Fire District No. 8	\$2,500	DUSZA
Kenilworth Fire District No. 2	\$20,000	MARINELLI
Kenmore- Town of Tonawanda Union Free School District	\$4,600	SWANICK
Kenmore-Town of Tonawanda Union Free School District (Edison Elementary)	\$5,000	CUSACK
Kenmore-Town of Tonawanda Union Free School District (Roosevelt Elementary School)	\$3,000	SWANICK
L.K. Painter Community Center, Inc.	\$6,000	MCCARVILLE
Lackawanna Food Pantry	\$1,500	KUWIK
Lackawanna Little Loop Football, Inc.	\$3,000	KUWIK
Lackawanna Yemen Soccer Club, Inc.	\$3,000	KUWIK
Lake View Athletics, Inc.	\$2,000	CHASE
Lakeshore Association of Christian Churches (Operation Good Neighbor)	\$5,000	CHASE
Landmark Society of the Niagara Frontier	\$6,000	MARSHALL
Lawton's Volunteer Fire Company, Inc.	\$2,000	CHASE
Leonard Post Jr. Post No. 6251, Inc.	\$1,000	DUSZA
Literacy Volunteers of America/ Buffalo and Erie County, Inc.	\$5,000	MARINELLI, DEBENEDETTI, and SMITH
Little League Baseball, Inc (Lakeshore)	\$3,000	KUWIK
Los Tainos Citizens Center, Inc.	\$15,000	DEBENEDETTI
Marilla Fire Company, Inc.	\$5,000	MARSHALL
Metro Community Development Corporation	\$20,000	SMITH
National Inner Cities Youth Opportunities	\$5,000	SMITH
Neighborhood Information Center, Inc.	\$10,000	DUSZA
New York District Kiwanis Foundation, Inc.	\$3,000	WROBLEWSKI

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Newstead Public Library	\$1,200	RANZENHOFER
North Amherst Volunteer Fire Company, Inc.	\$7,500	WEINSTEIN
North Buffalo Community Development Corp.	\$20,000	MARINELLI
North Haven Therapeutic Riding Aquatic Center, Inc.	\$1,000	MCCARVILLE
Northwest Buffalo Community Center	\$116,200	DEBENEDETTI
Orchard Park Chamber of Commerce, Inc.	\$4,000	MCCARVILLE
Orchard Park Council of the Arts, Inc.	\$1,500	MCCARVILLE
Overseas Veterans of Evans, Inc. (Post No. 5798)	\$5,000	CHASE
Patchin Fire Company	\$5,000	CHASE
Pine Hill Fire District No. 5	\$2,500	DUSZA
Police Athletic League of Buffalo- Lincoln Field Community Center	\$200	KUWIK
Polish Community Center of Buffalo, Inc.	\$2,000	KUWIK
Precious Blood Parish	\$1,500	DUSZA
Seneca Babcock Community Association, Inc.	\$3,000	SCHROEDER
South Buffalo Community Association, Inc.	\$35,750	SCHROEDER
South Buffalo Education Center, Inc.	\$14,000	SCHROEDER
Southtowns Meals on Wheels, Inc.	\$6,000	CHASE, MARSHALL, and MCCARVILLE
Springville Center for the Arts, Inc.	\$2,000	MCCARVILLE
St. Agnes (Life Teen)	\$2,200	SCHROEDER and DUSZA
St. Ambrose School	\$1,000	SCHROEDER
St. Bonaventure's Roman Catholic Church Society of West Seneca New York	\$1,500	WROBLEWSKI
St. Josaphat's Outreach Center and Food Pantry	\$2,000	DUSZA
St. Martin's Roman Catholic Church	\$1,000	SCHROEDER
St. Phillip The Apostle	\$3,000	DUSZA
St. Phillips Community Center, Inc.	\$3,500	SMITH
St. Thomas Aquinas Roman Catholic Church	\$1,000	SCHROEDER
Suburban Adult Services Foundation, Inc.	\$2,500	MCCARVILLE
Suicide Prevention Crisis Service, Inc.	\$1,434	WEINSTEIN
Summit Educational Resources	\$5,000	SWANICK
Sweet Home Central School District (Heritage Heights Elementary)	\$2,500	CUSACK
The Buffalo Workforce Development Center, Inc.	\$1,000	MARINELLI
The Classic Dance Company of W.N.Y Inc.	\$1,000	DEBENEDETTI
The New Refuge House, Inc.	\$1,000	DEBENEDETTI
The Puerto Rican Day Parade of WNY Association, Inc.	\$5,000	DEBENEDETTI
The Salvation Army	\$2,000	SWANICK
The Woodlawn Community Revitalization Corporation	\$3,500	KUWIK
Town of Amherst (Rodent Control)	\$1,000	WEINSTEIN
Town of Amherst (Senior Center)	\$5,000	WEINSTEIN
Town of Alden	\$8,000	MARSHALL

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Town of Amherst (Bocce Ball Courts)	\$1,000	WEINSTEIN
Town of Amherst (Police Department)	\$6,000	RANZENHOFER, CUSACK and WEINSTEIN
Town of Amherst (Rodent Control)	\$1,000	CUSACK
Town of Amherst (Senior Center)	\$5,000	CUSACK
Town of Aurora	\$3,500	MCCARVILLE
Town of Aurora (East Aurora Senior Center)	\$2,500	MCCARVILLE
Town of Cheektowaga (Dartwood Park)	\$7,500	WROBLEWSKI
Town of Cheektowaga (K-9 Corps)	\$3,000	DUSZA and SCHROEDER
Town of Cheektowaga (Police Cops in Shops Program)	\$2,500	DUSZA
Town of Cheektowaga (Senior Center)	\$7,500	DUSZA, SCHROEDER, and WROBLEWSKI
Town of Cheektowaga (Town Supervisor's Office)	\$3,500	DUSZA
Town of Eden (Recreation Department)	\$5,000	CHASE
Town of Grand Island (Golden Age Center)	\$500	SWANICK
Town of Hamburg	\$18,823	CHASE
Town of Hamburg D.A.R.E.	\$10,000	KUWIK
Town of Lancaster (Town Supervisor's Office)	\$2,500	DUSZA
Town of Orchard Park Police Department	\$3,000	MCCARVILLE
Town of West Seneca	\$10,000	WROBLEWSKI
Town of West Seneca (Office of Disaster Preparedness)	\$9,000	WROBLEWSKI
U-Crest Fire District No.4	\$2,500	DUSZA
Ujima Company, Inc.	\$3,500	SMITH
United Irish American Association of Erie County, Inc.	\$3,000	CHASE, CUSACK, MCCARVILLE, and WEINSTEIN
University Heights Community Development Association, Inc.	\$18,000	MARINELLI
Vietnam Veterans of America, Inc.- Chapter 77	\$3,000	SWANICK
Village of Akron	\$1,000	RANZENHOFER
Village of Depew Fire Department	\$3,000	DUSZA
Village of Depew- Justice Court	\$1,500	DUSZA
Village of Depew Mayor's Office	\$2,500	DUSZA
Village of Depew- Senior Citizens Organization	\$1,500	DUSZA
Village of Depew-Police Department	\$2,500	DUSZA
Village of East Aurora	\$5,000	MCCARVILLE
Village of Farnham	\$5,000	CHASE
Village of Gowanda (Recreation Department)	\$10,000	MCCARVILLE
Village of Hamburg	\$2,000	CHASE
Village of Kenmore	\$30,000	SWANICK
Village of Williamsville	\$5,000	WEINSTEIN
West Seneca Girls Softball	\$3,500	WROBLEWSKI

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West Seneca Youth Bureau/ Americorps	\$12,000	SCHROEDER
West Side Little League Football Club, Inc.	\$5,000	DEBENEDETTI
West Side Neighborhood Housing Services, Inc.	\$10,000	DEBENEDETTI
William Street Taxpayers Association	\$2,500	DUSZA AND SCHROEDER
YMCA of Greater Buffalo (Southtowns)	\$6,000	CHASE, MCCARVILLE, and WROBLEWSKI
TOTAL	\$997,140	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 309

Re: Consideration for Public Benefit
Funding. (Intro. 16-3)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Keep Western New York Beautiful	\$1,000	SMITH
TOTAL	\$ 1,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

Fiscal Impact: None.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 310

Re: Consideration for Public Benefit
Funding. (Intro. 16-4)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town of Collins	\$1,000	McCARVILLE
Town of Concord	\$1,000	McCARVILLE
Hillcrest Fire Company	\$3,000	McCARVILLE
Village of Springville	\$10,000	McCARVILLE
Town of Orchard Park	\$6,000	McCARVILLE
Messinger Woods Wildlife Care and Education Center	\$1,000	McCARVILLE
West Falls Fire Company	\$3,000	McCARVILLE
Broadway Market	\$4,000	McCARVILLE
Aurora Ice Association	\$2,000	McCARVILLE
Collins Fire Company	\$4,000	McCARVILLE
Gowanda Fire Department	\$5,000	McCARVILLE
Colden Highway Department	\$6,000	McCARVILLE
Orchard Park Senior Center	\$3,000	McCARVILLE
Hawk Creek Wildlife Center Inc.	\$3,000	McCARVILLE
TOTAL	\$52,000	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

MR. RANZENHOFER moved to amend the resolution. MS. MARINELLI seconded.
 CARRIED UNANIMOUSLY.

€# **DELETE** the Third Resolved Clause in its entirety, **and INSERT** the following **four (4) RESOLVED** Clauses:

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RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1800.00 from account (1109223108050109) to the Senior Services Interfund Transfer Cost Center 1631010 Account 559000, and be it further

RESOLVED, that the County Executive is authorized to accept \$1800.00 from legislative funds for the RSVP Grant to help underwrite part of the cost of 'Tribute Day', and be it further

RESOLVED, that the budget for the RSVP Grant, 163RSVP0405, be revised as follows:

REVENUES

Account	Description	CURRENT BUDGET	CHANGES	AMENDED BUDGET
479000	Interfund Revenue	\$ 46,931	\$ 1,800	\$ 48,731

APPROPRIATIONS

530000	Other Expenses	9,715	1,800	11,515
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and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl; and Senior Services Commissioner Pamela M. Krawczyk.

MR. RANZENHOFER moved the approval of the resolution as amended. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 29 – MS. MARINELLI moved for reconsideration of Intro. 16-3. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

ADD the following co-sponsor: KUWIK

Delete the Resolution in its entirety and replace with the following:

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WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send an application for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Keep Western New York Beautiful	\$1,000	SMITH
Erie County Retired and Senior Volunteer Program- Tribute Day Luncheon	\$100	SMITH
Group Ministries (All Pro Hoops)	\$1,000	KUWIK
TOTAL	\$ 2,100	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella of the Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek and Melissa O. Heimerl.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 311

Re: Consideration for Public Benefit

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Funding. (Intro. 16-5)

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-7, designating the Town of Clarence to receive an application for Public Benefit Funding

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Town of Clarence per Intro. 4-7 (2004) be reallocated to a new and increased designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town of Clarence	\$8,659	RANZENHOFER
Cornell Cooperative Extension	\$4,000	RANZENHOFER
Akron Community Band	\$5,000	RANZENHOFER
TOTAL	\$17,659	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

Fiscal Impact: None

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MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 312

Re: Alden-Newstead Agricultural
District (No.1) Clarence-Newstead
Agricultural District (No.14) -8-Year
Review. (Intro. 16-6)

RESOLVED, that the Clerk of the Legislature be directed to hold a Public Hearing on August 2, 2004, at 7:00 p.m. at the Newstead Town Hall, Church and John Streets, Akron, New York concerning the 8-year review of the Alden-Newstead and the Clarence-Newstead Agricultural Districts, Erie County #1 and #14 respectively; and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to publish said Notice of Public Hearing in the newspaper having general circulation within the Alden-Newstead and Clarence-Newstead Agricultural Districts, to so notify the affected municipalities and any property owners affected by any proposed modifications (additions/deletions) to the Alden-Newstead and Clarence-Newstead Agricultural Districts.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 32 – CHAIRMAN HOLT directed that the following item be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 16-7 From LEGISLATORS HOLT & MARINELLI Re: Legislative Budget & Personnel Adjustments.

Item 33 – MS. MARINELLI presented the following resolution and moved for the item to be received and filed. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Intro. 16-8 From LEGISLATORS HOLT & MARINELLI Re: County Budget Balancing Amendments & Designation of Fund Balance.

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COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 34 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 15E-6 (2004). MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 313

Re: Bond Resolution – Amendment to
 Resolution Approved 4/28/04 –
 \$250,000 – County Clerk Public
 Records Project.

RESOLUTION NO. 314 -2004

BOND RESOLUTION DATED July 8 2004

BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AMENDING THE BOND RESOLUTION ADOPTED APRIL 28, 2004, TO PROVIDE FOR ADDITIONAL FUNDS FOR THE ACQUISITION OF COMPUTER SOFTWARE AND SOFTWARE FOR THE REGISTRAR SYSTEM REPLACEMENT PROGRAM AND THE RESCISSION OF FUNDS FOR PUBUC RECORDS BACKS CANNING AND INDEXING.

(Introduced) June 21, 2004

(Adopted) July 8, 2004

Recitals

WHEREAS, the Legislature of the County of Erie (hereinafter, the "Legislature" and "County," respectively), New York, has heretofore duly authorized the financing of various capital projects included in the 2004 Capital Budget of the County, pursuant to the bond resolution adopted by the Legislature, on April 28, 2004 entitled:

"BOND RESOLUTION OF THE COUNTY OF ERIE, NEW YORK, AUTHORIZING VARIOUS CAPITAL PROJECTS INCLUDED IN THE 2004 CAPITAL BUDGET OF THE COUNTY, STATING THE TOTAL ESTIMATED MAXIMUM COST OF SUCH PROJECTS IS \$176,307,200, APPROPRIATING \$52,461,200 THEREFOR, INCLUDING THE EXPENDITURE OF \$4,670,000 EXPECTED TO BE RECEIVED IN STATE OR FEDERAL AID; AND AUTHORIZING THE ISSUANCE OF \$47,791,200 BONDS OF THE COUNTY TO FINANCE THE BALANCE OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARDS THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS;" and

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WHEREAS, it is now necessary to provide additional \$250,000 in county funds for the acquisition of computer hardware and software for the Registrar System Replacement Program and to rescind \$250,000 in county funds for Public Records Backscanning and Indexing Project in the Office of the County Clerk; as described in the 20014 Capital Budget of the County;

NOW, THEREFORE, BE IT

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Legislature) AS FOLLOWS:

SECTION (A) Section 1. Row 32 column B of the attached schedule to Resolution 175-2004 of said County duly adopted by the Legislature on April 28, 2004, which states "\$500,000" is hereby amended to state "\$750,000.

Section 2. Row 32 column C of the attached schedule to Resolution 175-2004 of said County duly adopted by the Legislature on April 28, 2004 stating "\$500,000" is hereby amended to state "\$750,000." Bonds of the County in the principal amount of \$250,000 are hereby authorized to be issued, in addition to \$500,000 already authorized and as described above, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. Row 32 column G of the attached schedule to Resolution 175-2004 of said County duly adopted by the Legislature on April 28, 2004 stating "The software currently used to support the Registrar's Cashier/Indexing system is obsolete and no longer supported by the vendor. Funding for this project will provide for software costs, installation and conversion to a new system. Replacement of the current system will allow for a more efficient application, utilizing staff more efficiently and reducing overtime." is hereby amended to state "The software currently used to support the Registrar's Cashier/Indexing system is obsolete and no longer supported by the vendor. Funding for this project will provide for software costs, installation and conversion to a new system. Replacement of the current system will allow for a more efficient application, utilizing staff more efficiently and reducing overtime. Related and necessary computer hardware will also be purchased to support the system."

Section 4. Row 33 of the attached schedule to Resolution 175-2004 of said County duly adopted by the Legislature on April 28, 2004 is deleted in its entirety.

SECTION (B) The amendment of the bond resolution set forth in Section (A) of this Resolution shall in no way affect the amounts and validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued or actions taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

SECTION (C) This Amending Bond Resolution shall take effect immediately upon the approval of the County Executive.

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MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 15, NOES 0).

CARRIED UNANIMOUSLY.

Item 35 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 15E-17 (2004). MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 315

Re: Health & Emergency Services –
Study of Emergency Medical Services
(EMS).

WHEREAS, the Departments of Health and Emergency Services coordinate Emergency Medical Services (EMS) and ambulance services throughout Erie County. There are twenty-four (24) Public Safety Answering Points, two (2) commercial ambulance service agencies, five (5) independent volunteer ambulance services, three (3) City Fire Departments, one (1) career A.L.S. first response agency and ninety-four (94) volunteer fire companies involved in the provision of EMS service, and

WHEREAS, there are an estimated 200,000 requests for ambulance service each year, and

WHEREAS, the Departments are seeking a professional consulting firm experienced in EMS and public safety to conduct a comprehensive and objective study of the current EMS system in Erie County, and

WHEREAS, the Departments of Health and Emergency Services wish to contract with a vendor with significant experience and expertise to complete an evaluation of the current status of emergency medical services (EMS) within the County and its municipalities and facilitate consensus among all stakeholders regarding future system development, and

WHEREAS, the contractor shall propose and use industry recognized research methodologies, standards, and benchmarking to accomplish this scope of work as described in Exhibit A hereto attached and incorporated, and

WHEREAS, Requests for Proposals (RFP's) were issued from March 30, 2004 to April 5, 2005 which resulted in one submission which is available for public inspection during regular business hours, and

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WHEREAS, a committee appointed by the Commissioner of Health reviewed said proposal and has recommended the Study of Emergency Medical Services submitted by Fitch & Associates, LLC, and

WHEREAS, Fitch & Associates, LLC will provide evaluation of the current status of emergency medical services (EMS) within the County, and

WHEREAS, funding for this agreement is available in the Department of Environment and Planning under Public Benefit Agencies, Cost Center #1335010, G/L 516000 Regionalism/Economic Development Fund.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an agreement with Fitch & Associates, LLC in an amount not to exceed \$99,300 for a twelve-month period to provide evaluation of the current status of emergency medical services (EMS) within the County, and be it further

RESOLVED, that the source of funds shall be \$99,300 available in the Regionalism/Economic Development Fund which was appropriated in Cost Center 1335010, G/L 516000 which shall be transferred to G/L 516020, Professional Service Contracts, in Cost Center 1272010, Health Department – Emergency Medical Services, to be further designated as follows:

Evaluation of Emergency Medical Services \$99,300

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Health, the Department of Emergency Services, the Department of Environment and Planning, and the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 15E-13 (2004). MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 316

Re: Preparing a Program Plan for the
Use of the Ticor Building by the
Appellate Division, Fourth Department.

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WHEREAS, the County is required pursuant to the Judiciary Law to maintain facilities for the New York Unified Court System, including facilities for the Appellate Division, Fourth Department (hereinafter "Fourth Department"); and

WHEREAS, the Fourth Department has outgrown its current space at 50 Delaware Avenue and has expressed an interest in moving its facility to the County-owned Ticor Building, located at 110 Franklin Street in the City of Buffalo; and

WHEREAS, the County purchased the Ticor Building in 2001 for use as space for offices that were temporarily displaced during the Erie County Courts Master Plan Implementation Project (hereinafter "Courts Project"); and

WHEREAS, the offices currently located in the Ticor Building are expected to be vacated when the Courts Project is completed in late-2005; and

WHEREAS, the plan currently being discussed with the Fourth Department and the New York State Office of Court Administration ("OCA") is that the County would sell the Ticor Building to a private, qualified developer, thereby placing the Ticor Building back on the tax rolls, the developer would renovate the Ticor Building and lease it back to the County and the County, pursuant to its obligation under the Judiciary Law, would clean and maintain the building for the Fourth Department; and

WHEREAS, on May 25, 2004 the Court Facilities Capital Review Board of the New York State Unified Court System amended the Erie County Court Facilities Capital Plan ("Capital Plan") relating to the proposed future use of the Ticor Building as auxiliary space for the offices of the Fourth Department; and

WHEREAS, the Capital Plan Amendment requires the County Executive to submit to the Chief Administrative Judge for review and approval a Program Plan consisting of plans, specifications, designs, code compliance and cost estimates for converting the Ticor Building for occupancy by the Fourth Department, as well as a detailed estimate of the projected costs associated with cleaning, maintaining and operating the building for the Fourth Department; and

WHEREAS, the services of a consultant will be needed to assist the County in developing the Program Plan and in preparing an RFP/RFQ to select a private developer to purchase and renovate the Ticor Building; and

WHEREAS, such a consultant will be selected by the Commissioner of Public Works from the list of consultants who have a Legislature-approved General Architectural/Engineering Agreement; and

WHEREAS, professional services and incidental expenses relating to the development of the Program Plan shall be 100% reimbursed by the OCA, provided that the County implements the Program Plan for the Ticor Building; and

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WHEREAS, the entire cost to the County of implementing the Program Plan, including the original purchase price of the Ticor Building, the proposed sale of the Building to a private developer, the lease from the developer to the County, and the County's obligation to perform ongoing maintenance and repairs to the Building, and all incidental expenses, are expected to be 100% reimbursed by the OCA.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to prepare a Program Plan, to be submitted to the OCA, relating to the use of the Ticor Building by the Fourth Department; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to retain a consultant having a Legislature-approved General Architectural/Engineering Agreement to assist the County in developing the Program Plan, including the preparation of an RFP/RFQ to select a private developer to purchase and renovate the Ticor Building; and be it further

RESOLVED, that the total cost of professional services relating to the development of the Program Plan, including the retention of an Architectural/Engineering firm and other incidental professional services and expenses, such as the identification of code compliance issues, shall not exceed \$100,000, with the expectation that 100% of these funds will be reimbursed by the OCA should the County implement the Program Plan as approved by the OCA; and be it further

RESOLVED, that the sum of \$100,000 is hereby appropriated from the 2002 Code Compliance and Reconstruction of County Buildings account, Project No. A.00047, for the purpose of developing a Program Plan for the Fourth Department's use of the Ticor Building; and be it further

RESOLVED, that the Program Plan developed by the Department of Public Works, the selection of the private developer to purchase and renovate the Ticor Building and lease it back to the County, and the sale price of the Ticor Building to the private developer, shall be subject to subsequent approval by this Legislature; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Commissioner of Public Works, County Attorney, Division of Budget, Management & Finance, Office of the Comptroller, and the NYS Office of Court Administration (Attn: Mr. William T. Brina, 515 Broadway, 3rd Floor, Albany, NY 12207).

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

€# **DELETE** the resolution in its entirety and **REPLACE** with the following:

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WHEREAS, the County is required pursuant to the Judiciary Law to maintain facilities for the New York Unified Court System, including facilities for the Appellate Division, Fourth Department (hereinafter "Fourth Department"); and

WHEREAS, the Fourth Department has outgrown its current space at 50 Delaware Avenue and has expressed an interest in moving its facility to the County-owned Ticor Building, located at 110 Franklin Street in the City of Buffalo; and

WHEREAS, the County purchased the Ticor Building in 2001 for use as space for offices that were temporarily displaced during the Erie County Courts Master Plan Implementation Project (hereinafter "Courts Project"); and

WHEREAS, the offices currently located in the Ticor Building are expected to be vacated when the Courts Project is completed in late-2005; and

WHEREAS, on May 25, 2004 the Court Facilities Capital Review Board (hereinafter "Review Board") approved an amendment to the Erie County Court Facilities Capital Plan ("Capital Plan") relating to the proposed future use of the Ticor Building as auxiliary space for the offices of the Fourth Department; and

WHEREAS, the Capital Plan Amendment requires the County Executive to submit to the Chief Administrative Judge for review and approval a Program Plan consisting of plans, specifications, designs, code compliance and cost estimates for converting the Ticor Building for occupancy by the Fourth Department, as well as a detailed estimate of the projected costs associated with cleaning, maintaining and operating the building for the Fourth Department; and

WHEREAS the Amendment and the Review Board's approval thereof recognized that there are two options available to the County to effectuate the conversion of the Ticor Building, namely (a) the County could continue to own the property and contract for the renovations, as well as provide for the maintenance and operations of the facility or (b) the County could sell the Ticor Building to a private, qualified developer--thereby placing the Ticor Building back on the tax rolls--who would renovate, operate and maintain the Ticor Building to meet the needs of the Fourth Department and lease it back to the County; and

WHEREAS, regardless of which option is chosen to convert the Ticor Building (County ownership with a County renovation and maintenance of the building, or the sale of the property to a private developer who will renovate), and as in the previous construction of the Fourth Department Courthouse in Monroe County, in no way shall the utilization of a Project Labor Agreement (PLA) on the Ticor Building renovation be hindered or precluded, and

WHEREAS, the services of a consultant will be needed to assist the County in developing the Program Plan, in evaluating the relative feasibility and merits of each ownership option, and in preparing an RFP/RFQ to select a private developer to purchase and renovate the Ticor Building, if the latter option is selected as the most advantageous; and

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WHEREAS, such a consultant will be selected by the Commissioner of Public Works from the list of consultants who have a Legislature-approved General Architectural/Engineering Agreement; and

WHEREAS, professional services and incidental expenses relating to the development of the Program Plan shall be 100% reimbursed by the OCA, provided that the County implements the Program Plan for the Ticor Building; and

WHEREAS, the entire cost to the County of implementing the Program Plan, regardless of which option is chosen to convert the Ticor Building, is expected to be 100% reimbursed by the OCA

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Public Works is hereby authorized to prepare a Program Plan, to be submitted to the OCA, relating to the use of the Ticor Building by the Fourth Department; and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to retain a consultant having a Legislature-approved General Architectural/Engineering Agreement to assist the County in developing said Program Plan; and be it further

RESOLVED, that such Program Plan shall include an analysis of the relative costs and benefits to the County of the two options to effectuate the conversion, namely, continued County ownership and operations, or the sale of the building to a private developer, and that said Program Plan shall include a proposed RFP/RFQ that would govern the selection of a private developer to purchase and renovate the Ticor Building, for use (a) as information to assist in the comparative analysis and (b) as part of the implementation if the County determines to pursue the developer option; and be it further

RESOLVED, that the total cost of professional services relating to the development of the Program Plan, including the retention of an Architectural/Engineering firm and other incidental professional services and expenses, such as the identification of code compliance issues, shall not exceed \$100,000, with the expectation that 100% of these funds will be reimbursed by the OCA should the County implement the Program Plan as approved by the OCA; and be it further

RESOLVED, that the sum of \$100,000 is hereby appropriated from the 2002 Code Compliance and Reconstruction of County Buildings account, Project No. A.00047, for the purpose of developing a Program Plan for the Fourth Department's use of the Ticor Building; and be it further

RESOLVED, that the Program Plan developed by the Department of Public Works and the selection of a preferred option for implementing the Program Plan shall be subject to subsequent approval by this Legislature prior to formal submission to the OCA and the Review Board; and be it further

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RESOLVED that if the developer option is chosen by this Legislature, that the selection of the developer, the sale price of the Ticor building, and the terms and conditions of the development agreement and lease shall be submitted to this Legislature for review and approval; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, Commissioner of Public Works, County Attorney, Division of Budget, Management & Finance, Office of the Comptroller, and the NYS Office of Court Administration (Attn: Mr. William T. Brina, 515 Broadway, 3rd Floor, Albany, NY 12207).

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 37 – MR. SWANICK moved for a suspension of the rules to include an item not on the agenda. MS. MARINELLI seconded.

GRANTED.

Comm. 16E-38 From LEGISLATOR SWANICK Re: Intro. 24-5 (2003) Availability of Surplus Computers.

CHAIRMAN HOLT directed that the following resolution be received, filed & printed.

GRANTED.

July 7, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelly:

I have received a request from the YWCA of the Tonawanda's, 49 Tremont Street, N. Tonawanda, New York for four (4) computers for staff use at the Tonawanda facility. A copy of the request letter from the YWCA OF THE Tonawanda's is attached for your reference.

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Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

Attachment

Cc: Mr. Kenneth Beam
DISS Administration

July 2, 2004

Legislator Charles M. Swanick
3200 Elmwood Ave.
Kenmore, New York 14217

Dear Legislator Swanick:

It has come to my attention from Jean Hannon that Erie County is offering used computers, keyboards and monitors to non-profit organizations. On behalf of the YWCA of the Tonawandas I am requesting 4 computers, keyboards and monitors.

Please know that this would really benefit not only our staff but our many clients who come into the building whom we assist in job training and education.

If you have any questions, please feel free to contact me and I thank you in advance for any consideration you can offer my request.

Sincerely,

Jill Townson
Executive Director

Item 38 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

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Comm. 16E-39 From THE COMPTROLLER Re: Letter to Chairman Holt Re: Ticor Building.

Item 39 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Comm. 16M-15 From NYS OFFICE OF COURT ADMINISTRATION Re: Letter to Legislator Schroeder Re: Ticor Building.

Item 40 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Comm. 16E-40 From LEGISLATOR SCHROEDER Re: Letter to County Executive Re: SAP Program.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR SWANICK

Item 41 – (Comm. 16E-1) Intro. 24-5 (2003) Availability of Surplus Computers.

RECEIVED, FILED & PRINTED.

June 25, 2004

Hon. Kevin Kelley

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Clerk, Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, NY 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers.

Dear Mr. Kelley:

I have received a request from New Americans United, Inc., 343 Potomac Avenue, Buffalo, NY for six (6) to ten (10) surplus computers to assist in their immigrant settlement and integration programs. A copy of the request letter from the New Americans United, Inc. is attached for your reference.

Sincerely,

Charles M. Swanick
Erie County Legislator 10th District

Attachment

Cc: Ken Beam, DISS Administration

New Americans United, Inc.
343 Potomac Avenue
Buffalo, New York 14213

June 23, 2004

Charles M. Swanick,
Legislator
3200 Elmwood Avenue, Room 100
Kenmore, NY 14217

Dear Mr. Swanick

I'm the President of the New Americans United, Inc. Board of Director, which is a non-profit organization in Buffalo, New York. We provide support me settlement and integration of disadvantaged new immigrants in Erie County by helping them to meet their needs for English language training and for education about U.S.'s legal, health care, employment, education, political and other systems and about American culture through adult, child, and family classes/meetings/one-to-one tutoring.

I understand that the Erie County is in the process of switching over to IBM Computers and have some other relatively new computers that may be available to non-profit organizations, such as ours. Therefore, we need between 6 - 10 computers if it's possible.

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Thank you in advance for any considerations that you may be able to donate to our non-profit organization.

Sincerely,

Mohamed A. Mohamed, President
New Americans United, Inc.

CC. Board of Directors

FROM THE COMPTROLLER

Item 42 – (Comm. 16E-2) Report on Overtime Expenses at the Holding Center.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SMITH

Item 43 – (Comm. 16E-3) Absence from Economic Development Committee Held 7/1/04.

RECEIVED, FILED & PRINTED.

June 28, 2004

Kevin M. Kelley Clerk
Erie County Legislature
25 Delaware Avenue -7th Floor Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that due to a previously scheduled appointment, I am unable to attend the meeting of the Legislature's Economic Development Committee on July 1, 2004.

These plans were set well in advance of the release of the committee schedule and, regrettably, could not be altered. I would ask that this communication be filed in your office, and received, filed and printed by the Legislature at our next regular session.

Thank you for your cooperation.

Very truly yours,

Demone Smith
Erie County Legislator
7th District

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FROM THE COUNTY EXECUTIVE

Item 44 – (Comm. 16E-4) County Executive's Recommended Erie Community College Budget for the 2004-2005 Academic & Fiscal Year.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR WROBLEWSKI

Item 45 – (Comm. 16E-5) Notice to Legislators Re: 2004-2005 ECC Budget Process.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM LEGISLATOR RANZENHOFER

Item 46 – (Comm. 16E-6) Absence from Energy & Environment Committee Held 7/1/04.

RECEIVED, FILED & PRINTED.

July 1, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Re: Absence from Energy & Environment Committee Meeting, July 1, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the Energy & Environment Committee Meeting on July 1, 2004 due to the change in the normally scheduled time for this committee.

Thank you.

Very truly yours,

Michael H. Ranzenhofer
Erie County Legislator
4th District

FROM LEGISLATOR CUSACK

Item 47 – (Comm. 16E-7) Absence from Human Services Committee Held 7/2/04.

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RECEIVED, FILED & PRINTED.

July 2, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Re: Absence from Human Services Committee Meeting, July 2, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the Human Services Committee Meeting on July 2, 2004 due to the change in the scheduled time for this committee.

Thank you.

Very truly yours,

Elise M. Cusack
Erie County Legislator
14th District

FROM THE COUNTY CLERK

Item 48 – (Comm. 16E-8) Letter to Chairman Holt Re: Appointment to EC Records Commission.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COMPTROLLER

Item 49 – (Comm. 16E-9) Bond Resolution – \$4,000,000 – Authorizing the Design & Reconstruction of Various County Highways.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 50 – (Comm. 16E-10) ECSD No. 2 – Construction Inspection Service Agreement.

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Item 51 – (Comm. 16E-11) EC/Southtowns Sewage Treatment Agency – Engineering Service Agreement 6/1/02 - Change Order No. 5 – Stearns & Wheler.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 52 – (Comm. 16E-12) ERP Project –Authorization to Enter Into Contract for SAP Competence Center.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 53 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 317

Re: CPS – Professional Services – EM Systems. (Comm. 16E-13)

WHEREAS, the Department of Central Police Services has been contracting for programming services with EM Systems of WNY, Inc.; and

WHEREAS, the need for these services, including Borland C++/Oracle System Developer expertise continues; and

WHEREAS, the need for further services, involving mobile computers, increase mapping capabilities related to Emergency dispatch and advanced reporting capabilities for records management is essential; and

WHEREAS, the Department of Central Police Services requests authorization to issue purchase orders to EM Systems, Inc. for continued programming services; and

WHEREAS, EM Systems, Inc. has been awarded Bid Number 230730-P for these services at an hourly rate that is extendable for an additional twelve months at the County's option; and

WHEREAS, the Department of Central Police Services has moneys in the E-911 fund, the JAIBG Grant account and UASI Grant account;

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to extend the contract with EM Systems, Inc. for an additional 12 months, in an amount not to exceed \$647,020.00, as allowed under Erie County Bid #230730-P awarded to EM Systems in 2003; and be it further

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RESOLVED, that the County Executive is authorized to issue purchase orders to EM Systems, Inc. for programming services and Oracle development; and be it further

RESOLVED, that the project will be funded by current moneys within the E-911 fund, the JAIBG grant and in the Urban Area Security Initiative Grant, as follows:

<u>Appropriation</u>	<u>Amount</u>
E-911 Fund Account # 516020 Professional Service Contract and Fees	\$ 75,000
JAIBG (165JAIBG0304) Grant Account # 516020 Professional Service Contract and Fees	\$ 72,020
UASI (HS165UASIF030405) Grant Account # 516020 Professional Service Contract and Fees	\$500,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 54 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 318

Re: CPS –Professional Services –
 Computer Consulting Services of WNY.
 (Comm. 16E-14)

WHEREAS, the Department of Central Police Services has been contracting networking and programming services with Computer Consulting Services of WNY, Inc.; and

WHEREAS, the need for these services, including installation and wiring of Police and EMS vehicles continues; and

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WHEREAS, the need for further services, involving compliance with FCC requirements for Phase II Wireless services; and

WHEREAS, the Department of Central Police Services requests authorization to issue a purchase order to Computer Consulting Services of WNY, Inc. for continued networking and programming services; and

WHEREAS, Computer Consulting Services of WNY, Inc. is an authorized New York State contract vendor for these services; and

WHEREAS, the Department of Central Police Services has monies in the E-911 fund, along with UASI grant fund;

NOW, THEREFORE, BE IT

RESOLVED, that Central Police Services is authorized to issue a purchase order to Computer Consulting Services of WNY, Inc. for an amount not to exceed \$300,000.00 for networking and programming services; it will be funded from the UASI FY03 grant and from the E-911 fund, as follows

<u>Appropriation</u>	<u>Amount</u>
UASI (HS165UASIF030405) Account # 516020 Professional Service Contract and Fees	\$275,000
E-911 Fund Account #516020 Professional Service Contract and Fees	\$ 25,000

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 55 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 319

Re: CPS -Transfer of Funds.
 (Comm. 16E-15)

RESOLVED, that authorization is hereby provided to transfer available balances in the 2004 E-911 Fund in order to fund expenses the Professional Service Contract and Fees account as follows:

<u>Appropriation</u>	<u>Decrease</u>
Lab and Technical Equipment Account #561410	\$ 75,000
<u>Appropriation</u>	<u>Increase</u>
Professional Service Contract and Fees Account #516020	\$ 75,000
Net Appropriations	\$ 0

And be it further

RESOLVED, that authorization is hereby provided to transfer available balances in the 2003-2004 JAIBG Grant Fund in order to fund expenses the Professional Service Contract & Fees, Personnel/Salaries and Fringe Benefits account as follows:

<u>Appropriation</u>	<u>Decrease</u>
Lab and Technical Equipment Account #561410	\$ 78,829
Travel Account #510100	\$ 3,900
<u>Appropriation</u>	<u>Increase</u>
Professional Service Contract and Fees #516020	\$ 72,020
Personnel/Salaries #500000	\$ 6,425
Fringes #502000	\$ 4,284
Net Appropriations	\$ 0

And be it further

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RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Central Police Services.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 56 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 320

Re: CPS -NYS Division of Criminal
 Justice Services – Byrne/Narcotics
 Control Grant. (Comm. 16E-16)

WHEREAS, The New York State Division of Criminal Justice Services has authorized a grant to the County of Erie under the Byrne Narcotics Control program; and

WHEREAS, Erie County, through Central Police Services will coordinate and administer this project with the Buffalo Police Department, Erie County Sheriff's Office and all the local Law Enforcement agencies in this county; and

WHEREAS, this grant will assist the crime fighting efforts of Local Law Enforcement in Erie County to identify and provide maps and other statistical data in an effort to identify violence and crime associated with narcotics use; and

WHEREAS, New York State has authorized a grant to Erie County in the amount of \$67,212 with County matching funding of \$22,404 to implement this project in Erie County for all the aforementioned law enforcement agencies;

NOW, THEREFORE BE IT

RESOLVED, that authorization is hereby provided for the Erie County Executive to enter into an agreement with the New York State Division of Criminal Justice Services; and to accept the Byrne - Narcotics Control Grant of \$67,212 to cover overtime costs associated with a crime control project in Erie County, and be it further

RESOLVED, that authorization is hereby provided to establish the necessary accounts in the Central Police Services Department to implement this project;

Revenue

Increase

State Aid

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Criminal Justice Program	\$67,212
<u>Appropriations</u>	<u>Increase</u>
Account #501000 overtime	\$52,922.83
Account #502000 fringe benefits	\$14,289.17
Total appropriations	\$67,212.00

and be it further

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to make all budgetary transactions required to implement this project; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget, Management and Finance, the Office of the Comptroller, and the Department of Central Police Services.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 57 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 321

Re: Times Beach Public Access Project-
 Additional Design Services.
 (Comm. 16E-17)

WHEREAS, the County of Erie wishes to lead the effort to provide facilities for public access to the unique natural environment available at Times Beach in the City of Buffalo; and

WHEREAS, the Times Beach Public Access Project seeks to create a first-class wildlife viewing area which can be a tourism draw and a premier attraction to the residents of the City, the County, and the nation; and

WHEREAS, Erie County has committed \$125,000 through the 2003 Capital Improvement Projects Budget (Fund/Pro 410-430) for the design of the Times Beach Public Access Project; and

WHEREAS, the City of Buffalo has requested that Erie County manage the Times Beach Public Access Project and has committed \$100,000 to support the effort; and

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WHEREAS, Erie County originally contracted in the amount of \$70,000 with Peter J. Smith & Company, Inc., for design services; and

WHEREAS, the project partners determined interpretive signage was needed to enhance passive environmental education opportunities at the site; and

WHEREAS, the cost of this additional work is estimated to be \$63,000; and

WHEREAS, Phase II of the project requires design and construction inspection services be secured in order to start construction in a timely manner.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Executive is authorized to approve a change order in the amount of \$63,000 to an existing contract with Peter J. Smith & Company, Inc., to design and construct interpretive signage under Phase I of the Times Beach Public Access Project and provide the design and construction inspection services needed to proceed with Phase II, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget, Management and Finance; Laurence K. Rubin, Commissioner of Environment and Planning; Maria Lehman, Commissioner of the Department of Public Works; Lawrence D. Jasinski, Commissioner of the Department of Parks, Recreation & Forestry; Michael Raab, Deputy Commissioner of Environment and Planning; the County Comptroller; and the County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 58 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 322

Re: Surplus Revenue – Road Repair –
 Public Hearing Request.
 (Comm. 16E-18)

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d, and

WHEREAS, the Road Repair Reserve Fund has \$1,463,710.75 available for repairs of roads and bridges in the County during 2004, and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following public hearing.

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NOW, THEREFORE, BE IT,

RESOLVED, that a Public Hearing be held by this Legislature on Thursday, July 15, 2004 at 2:00 p.m., in the Legislative Chambers, in the Ceremonial Court Room, Part 6, 2nd floor, of the Old County Hall, 92 Franklin Street, in the City of Buffalo, and be it further,

RESOLVED, that the subject of such public hearing shall be the appropriation of \$1,463,710.75 from the Erie County Road Repair Reserve Fund for the following road and bridge repair projects during 2004:

2004 TRANSFER TAX PROJECTS

<u>OIL & CHIPPING</u>		<u>COST</u>
Meahl Road	\$	28,000.00
Schurr Road		7,000.00
Pfarner Road		7,800.00
Emery Road		7,500.00
Irish Road		28,200.00
Brown Road		40,000.00
Quaker Road		75,000.00
Skyview Road		<u>6,000.00</u>
	\$	199,500.00

HOT ASPHALT SURFACE REPAIR

East Robinson Road	\$	15,000.00
North Forest Road		10,000.00
North French Road		50,000.00
Home Road		5,200.00
Indian Road		560.00
Boston State Road		20,000.00
Heinrich Road		6,200.00
Centerline Road		17,000.00
Springville-Boston Road		15,200.00
Taylor Hollow Road		<u>10,000.00</u>
	\$	149,160.00

COLD MIX PAVING WITH OIL & CHIP SURFACE TREATMENT

Fletcher Road	\$	125,000.00
North Road		80,000.00
East Creek Road		210,000.00

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East Holland Road	<u>328,050.75</u>
	\$ 743,050.75

ASPHALT OVERLAY

North Creek Road	252,000.00
East Avenue	<u>120,000.00</u>
	<u>\$ 372,000.00</u>
<u>GRAND TOTAL</u>	<u>\$ 1,463,710.75</u>

and be it further,

RESOLVED, that the Clerk of the Legislature is directed to publish a Notice of Public Hearing once in each of the official newspapers of the County, at least six days prior to the date of the Public Hearing, and be it further,

RESOLVED, that a certified copy of this resolution be forwarded to the County Executive, Joel A. Giambra, Budget Director, Joseph Passafiume; Public Works Commissioner, Maria Lehman; Interim Deputy Commissioner of Highways, Gerard J. Sentz; First Assistant County Attorney, Andrew Isenberg; and the Erie County Comptroller, Nancy Naples.

MS. MARINELLI moved to amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

DELETE the third (3rd) **WHEREAS** clause in its entirety and **REPLACE** with the following:

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing, and

WHEREAS, the Democratic and Republican Caucuses of the Erie County Legislature do hereby stipulate to designate *The Buffalo News* as the official newspaper to publish the Notice of Public Hearing for the Road Repair Reserve Fund for 2004 only,

DELETE the third (3rd) **RESOLVE** clause in its entirety and **REPLACE** with the following:

RESOLVED, that the Democratic and Republican Caucuses of the Erie County Legislature do hereby stipulate to designate *The Buffalo News* as the official newspaper to publish the Notice of Public Hearing for the Road Repair Reserve Fund for 2004 only, and be it further

RESOLVED, that the Clerk of the Erie County Legislature is directed to publish the Notice of Public Hearing in *The Buffalo News* at least five days prior to the date of the Public Hearing, and be it further

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MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 59 – (Comm. 16E-19) Re: Surplus Revenue – Road Repair Reserve Fund.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 60 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 323

Re: Social Services – Transfer of Funds
 for Statler Towers Lease Payment.
 (Comm. 16E-20)

WHEREAS, the Department of Social Services is seeking authorization to increase a current year contract with Coordinated Care Management Corporation to enable payment of rental expenses to the Statler Towers landlord, and

WHEREAS, the master lease for all space utilized is between the Statler Towers and Coordinated Care, and

WHEREAS, at the time of the preparation of the 2004 budget, it was assumed that the operations at the Statler Towers would vacate that space and would be transferred to a different location, and

WHEREAS, there is no fiscal impact to this proposed resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Social Services and/or the County Executive are authorized to amend the current year contract with Coordinated Care Management Corporation, and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

Department of Social Services, Department 120, Fund 110

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
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516010	Coordinated Care Management Corporation	<u>\$33,108</u>
	Total Expenditures	<u>\$33,108</u>
411540	Federal Aid – Social Services Admin	\$22,762
466180	Unanticipated Prior year Revenue	<u>10,346</u>
	Total Revenues	<u>\$33,108</u>

and be it further

RESOLVED, that because these special services are needed immediately, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 61 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 324

Re: Social Services – Learning
 Disabilities Association Contract.
 (Comm. 16E-21)

WHEREAS, the Department of Social Services is requesting authorization to amend the 2004 Adopted Budget by providing funding to Learning Disabilities Association, and

WHEREAS, this program will enable the Department to provide appropriate services to a number of clientele with disability claims, and

WHEREAS, there is no fiscal impact to the 2004 Adopted Budget.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2004 Adopted Budget:

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Department of Social Services, Fund 110, Department 120

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INCREASE</u>
516010	Learning Disabilities Association of Western New York	<u>\$10,000</u>
	Total Appropriations	<u>\$10,000</u>
410120	Federal Aid – Services to Recipients	<u>\$10,000</u>
	Total Revenue	<u>\$10,000</u>

and be it further

RESOLVED, that because these special services are needed immediately and due to the fact that the contractor selection was made by New York State, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of the Department of Social Services, the Erie County Comptroller and the Director of the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 62 – (Comm. 16E-22) General A/E Services for Miscellaneous Projects.

Item 63 – (Comm. 16E-23) Authorization to Enter Into Agreements or Accept Funding.

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 64 – (Comm. 16E-24) Botanical Gardens –Main Dome Hardscaping.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 65 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 325

Re: Supplemental Agreement with
 NYSDOT –Construction & Construction
 Inspection Phase Lapp Road Bridges,

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Town of Clarence. (Comm. 16E-25)

WHEREAS, a project for the Replacement of the Lapp Road Bridges, BR 24-3 and 24-4, over Beeman Creek, BIN 3-32628-0 and BIN 3-32629-0, in the Town of Clarence, Erie County, PIN 5756.08, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Construction and Construction Inspection Phase of the Project, PIN 5756.0,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the Erie County Legislature hereby approves the above subject project, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Construction and Construction Inspection Phase or portions thereof, and be it further,

RESOLVED, that the total phase budget of \$908,000, and the local share sum of \$182,000 is hereby appropriated from the 2003 Lapp Road 5756.08 Bridges Reconstruction Program (SFG 420-207 and SAP B-00019) and made available to cover the cost of participation in the above phase of the Project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project's Construction and Construction Inspection Phase exceeds the amount appropriated above \$182,000 and/or 100% of the full Federal and Non Federal Shares of the cost of the Project's Construction Inspection Phase exceeds \$908,000, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreements in connection with the Project, and be it further

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RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Division of Budget Management, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 66 – (Comm. 16E-26) Erie County Main Library, Exterior Building Rehabilitation - Supplemental Agreement.

Item 67 – (Comm. 16E-27) Buffalo Convention Center – Acoustically Treated Doors & Loading Dock Leveler Repair & A/E Fees for 2004 Capital Project Implementation.

Item 68 – (Comm. 16E-28) Erie County Home Fire Alarm System Modifications.

The above three items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 69 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 326

Re: Ralph Wilson Stadium – 2004
 Renovation of Existing Suites &
 Miscellaneous Work Construction
 Contingency Fund Increase.
 (Comm. 16E-29)

WHEREAS, the Department of Public Works received bids for the Ralph Wilson Stadium – 2004 – Renovations of Existing Suites and Miscellaneous Work on April 7, 2004, and

WHEREAS, your Honorable Body previously awarded contracts to the lowest responsible bidders, and

WHEREAS, additional concrete repairs are needed to preserve the safety of patrons and structural integrity of the stadium facilities, and

WHEREAS, the additional work must be completed prior to the start of the Buffalo Bills' 2004 football season,

NOW, THEREFORE, BE IT,

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RESOLVED, that the construction contingency fund be increased by \$120,000.00 from \$190,000.00 to \$310,000.00 with authorization for the Commissioner of Public Works to approve change orders, not to exceed the construction contingency, and be it further,

RESOLVED, that deduct change orders will result in funds being returned to the contingency account, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payments from the 2004 Rehabilitation of Ralph Wilson Stadium Bond Account, Project A.00232 (old SFG project 122), and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 70 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 327

Re: Health – Public Health Preparedness
 Lab Response Network 9/1/03 –
 8/30/04. (Comm. 16E-30)

WHEREAS, the Erie County Department of Health operates a Public Health Preparedness Laboratory Response Network through funding from New York State Health Research, Inc. for the development of a high containment emergency preparedness laboratory, and

WHEREAS, the Erie County Department of Health has received a revised grant award in the amount of \$250,000 from New York State Health Research, Inc. (HRI) which authorizes budgetary adjustments.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the revised grant award from HRI which is budgeted as follows:

Public Health Laboratory Response Network Grant
09/01/03 – 08/30/04

SFG Project #913 SAP Title: HS127LRN0304, COST CENTER #1273010

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SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
		\$		
410190	NYS Health Research	240,000	\$ 10,000	\$ 250,000
	TOTAL	<u>\$ 240,000</u>	<u>\$ 10,000</u>	<u>\$ 250,000</u>
EXPENSES				
500000	Personal Services	\$ 84,799	\$-2,564	\$ 82,235
501000	Overtime	1	30	31
502000	Fringe Benefits	32,200	-5,195	27,005
505800	Medical Supplies	30,000	-5,500	24,500
506200	Repairs & Maintenance	5,000	-4,250	750
510100	Out Of Area Travel	5,447	0	5,447
510200	Training & Education	0	500	500
516020	PRF SVC Dues/Fees	2,000	-1,400	600
516030	Maintenance Contracts	30,000	-9,000	21,000
561420	Lab & Technical Equipment	50,553	37,379	87,932
	TOTAL	<u>\$ 240,000</u>	<u>\$ 10,000</u>	<u>\$ 250,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 328

Re: Security Consulting Services for
 Erie County. (Comm. 16E-31)

WHEREAS, the Commissioner of Public Works desires to engage the services of a Security Consulting firm to provide General Security Consulting Services for Erie County, and

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WHEREAS, the Department of Public Works advertised for Requests for Qualifications from Security Consulting firms, and

WHEREAS, after careful review of each firm's capabilities, one firm was selected as having the necessary expertise, experience, and manpower to provide the required services, and

WHEREAS, the County Security System will be monitored primarily in the Rath Building,

NOW, THEREFORE, BE IT,

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with SecuraComm Consulting, Inc. to provide General Security Consulting Services for Erie County, and be it further,

RESOLVED, that the sum of \$200,000 for project seed funds be allocated for said Security Consulting fees, and be it further,

RESOLVED, that your Honorable Body will be informed, for information only, for each contract fee negotiated by the Commissioner of Public Works, and be it further,

RESOLVED, that the \$200,000 fee allocation be taken from A.00067, '03 Security, Rath Building, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 72 – (Comm. 16E-32) Amendment to Various 2004 Town & Special District Budgets.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 73 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 329

Re: STOP-DWI Appropriation for Drug
 Recognition Expert Corp.
 (Comm. 16E-33)

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WHEREAS, Erie County Police Officers continue to encounter drivers impaired by drugs other than alcohol, and

WHEREAS, drivers exhibiting impairment, but little or no blood alcohol, create an enforcement challenge, and

WHEREAS, patrol officers trained as Drug Recognition Experts (DRE's) can properly evaluate such drivers and reduce sample testing costs by determining the category of drug causing impairment, and

WHEREAS, a previous Erie County DRE Corps has been depleted by retirement and reassignment, and no Erie County Police Agency has a certified DRE, and

WHEREAS, it is inefficient and impractical for each Erie County Police Department to maintain the services of a DRE Officer, and

WHEREAS, six Erie County Police Agencies have agreed to bear the cost of training a new cadre of DRE Officers for use by all Erie County Police Agencies, and

WHEREAS, money to equip and fund overtime costs for DRE's called out in service to Erie County Police Agencies is available in the STOP-DWI Reserve Account,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order that the STOP-DWI Office establish a fund to cover overtime and initial equipment expenses associated with the operation of an Erie County Drug Recognition Expert Corps:

2004 STOP-DWI
Fund Center # 16500060
WBS Element #SDWI
1/1/04 - 12/31/04

REVENUES

415650 DWI PROGRAM	\$ <u>16,500</u>
TOTAL	\$ <u>16,500</u>

APPROPRIATIONS

516010 Contract Payments NP	\$ 15,000
505800 Medical & Health Supplies	<u>1,500</u>
TOTAL	\$ <u>16,500</u>

and be it further

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RESOLVED, that the County Executive is hereby authorized to enter into contract with the City of Tonawanda to administer payments to participating police agencies, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Comptroller's Office, and the Erie County STOP-DWI Office.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 74 – (Comm. 16E-34) Sale of County Owned Inventory, Town of Lancaster.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 75 – (Comm. 16E-35) Funding for Elite Recovery Through the Buffalo & Erie County Workforce Development Consortium.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 76 – (Comm. 16E-36) PILOT Agreement for Lakeview Hope VI Redevelopment Phase III.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 77 – (Comm. 16E-37) Funding for Definity Health Corporation Through the Buffalo & Erie County Workforce Consortium.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM ECMCC

Item 78 – (Comm. 16D-1) Financial Statements 5/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 79 – (Comm. 16D-2) Notice of County Executive's Public Hearing – Local Law Intro. No. 5 – 2004.

RECEIVED, FILED & PRINTED.

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June 25, 2004

VIA HAND DELIVERY

Kevin M. Kelley, Clerk
Erie County Legislature
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

RE: Notice of Public Hearing
Local Law Intro. No. 5-2004 (Print #2)

Dear Mr. Kelley:

Enclosed herein is a copy of the Public Hearing Notice for the above-captioned Local Law Intro., which was approved by the Erie County Legislature on June 24, 2004.

Please post the enclosed for the information for anyone who may be interested in attending this hearing.

Very truly yours,

FREDERICK A. WOLF
Erie County Attorney

By: MELISSA O. HEIMERL
Assistant County Attorney

encl.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Erie County Executive, Joel A. Giambra, will hold a public hearing, on Friday, July 9, 2004 at 9:30 a.m., concerning

A LOCAL LAW establishing a probation investigation fee under the authority of Section 252-a of the Family Court Act in custody and visitation proceedings

The hearing will be held at the Erie County Executive's office, 95 Franklin Street, 16th Floor, in the City of Buffalo, New York.

On June 24, 2004, the Erie County Legislature adopted Erie County Local Law Intro. No. 5 of 2004 (print #2). Copies of the proposed local law are available for public inspection in the office

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of the Clerk of the Erie County Legislature, on the 7th Floor of 25 Delaware Avenue, in the City of Buffalo, New York.

JOEL A. GIAMBRA
 Erie County Executive

FROM ECC

Item 80 – (Comm. 16D-3) Agenda for Trustees Meeting Held 6/30/04.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 81 – (Comm. 16D-4) Notice of County Executive's Approval of Local Law No. 3 - 2004.

RECEIVED, FILED & PRINTED.

TO: FREDRICK A. WOLF – ERIE COUNTY ATTORNEY
 ANDREW B. ISENBERG – 1ST ASSISTANT COUNTY ATTORNEY
 SUSANNAH M. BOCHENEK – 2ND ASSISTANT COUNTY ATTORNEY
 NANCY A. NAPLES – ERIE COUNTY COMPTROLLER
 THOMAS P. DEMARTINO – SENIOR EXECUTIVE ASSISTANT
 TO THE COUNTY EXECUTIVE
 KEVIN M. KELLEY – CLERK, ERIE COUNTY LEGISLATURE

FROM: MELISSA O. HEIMERL – ASSISTANT COUNTY ATTORNEY

DATE: JUNE 29, 2004

RE: LOCAL LAW NO. 3-2004

Ladies and Gentlemen:

Attached for your information is a copy of the filing receipt from the Department of State showing that Local Law No. 3-2004, the Erie County Prior Written Notice Local Law of 2004, was filed on June 21, 2004.

MOH

Att.

June 25, 2004

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Melissa O. Heimerl
Assistant County Attorney
69 Delaware Avenue
Suite 300
Buffalo NY 14202

RE: County of Erie, Local Law 3, 2004 filed on June 21, 2004

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

FROM DPW

Item 82 – (Comm. 16D-5) Copy of Letters to WNY Delegation of Federal & State Representatives Re: Tonawanda Creek Road.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE – DIVISION OF REAL PROPERTY TAX

Item 83 – (Comm. 16D-6) 2004 Annual Report.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 84 – (Comm. 16D-7) Budget Monitoring Report for the Period Ending 3/31/04.

Item 85 – (Comm. 16D-8) Recommended Budget Amendments.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 86 – (Comm. 16D-9) Notice of Claims.

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Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 87 – (Comm. 16D-10) Response to Request for List of Pre-Approved Architectural/Engineering Firms.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM SENATOR VOLKER

Item 88 – (Comm. 16M-1) Receipt of Resolution

Received and filed.

FROM THE EC HOME HEALTH CARE ADVISORY BOARD

Item 89 – (Comm. 16M-2) Recommended Revisions to Local Law No. 2 -1998.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE NYS FISH & WILDLIFE MANAGEMENT BOARD

Item 90 – (Comm. 16M-3) Minutes of Meeting Held 6/3/04.

Received and filed.

FROM SENATOR VOLKER

Item 91 – (Comm. 16M-4) Receipt of Resolution & Fact Sheet Re: Medicaid Reform Task Force Legislation.

Received and filed.

Item 92 – (Comm. 16M-5) Receipt of Resolution.

Received and filed.

Item 93 – (Comm. 16M-6) Receipt of Resolution.

Received and filed.

FROM THE WESTERN ERIE CANAL HERITAGE CORRIDOR PLANNING COMMISSION

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Item 94 – (Comm. 16M-7) Western Erie Canal Heritage Corridor Management Plan – Executive Summary.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE EXOLON COMPANY

Item 95 – (Comm. 16M-8) Position on the Potential Opening of the Former SGL Carbon Plant in Niagara Falls.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ADMINISTRATORS ASSOCIATION OF ECC – LOCAL 330 UAW

Item 96 – (Comm. 16M-9) Certified Resolution Supporting the Three Campuses of ECC in Their Present Locations.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM NFTA

Item 97 – (Comm. 16M-10) Minutes of Board Meeting Held 5/24/04.

Item 98 – (Comm. 16M-11) Audited Financial Statements for Fiscal Year Ended 3/31/04, Management Letter & Investment Audit for Fiscal Year 2004.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE VILLAGE OF EAST AURORA

Item 99 – (Comm. 16M-12) Request for Formation of an Extension to ECSD No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM ECIDA

Item 100 – (Comm. 16M-13) Notice of Meeting to be Held 7/14/04.

Received and filed.

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FROM THE EC MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 101 – (Comm. 16M-14) Notice of Meeting to be Held 7/15/04 & Minutes of Meeting Held 6/17/04.

Received and filed.

MEMORIAL RESOLUTIONS

Item 102 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Carol Helfer.

Item 103 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Kathy Jackson.

Item 104 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of John Green.

Item 105 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Earl Leslie.

Item 106 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of Desmond Carter.

Item 107 – Ms. Marshall requested that when the Legislature adjourns, it do so in memory of Leo Warrington.

Item 108 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Margaret Glass.

Item 109 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Margaret Wentland.

Item 110 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of William Weiss.

Item 111 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Pete Winter.

Item 112 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Thomas T. Edwards.

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ADJOURNMENT

Item 113 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, July 15, 2004.
MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, July 15, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK